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LEGISLATIVE HISTORY

Public Law 86-139

H. R. 6436

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INDEX AND SUMMARY OF H. R. 6436

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May 11,	1959	Senator Holland introduced S. 1900 which was referred to Senate Agriculture and Forestry Committee. Print of bill as introduced.
May 21,	1959	House committee voted to report H. R. 6436 with amendment.
June 16,	1959	House committee reported H. R. 6436 with amendments. House Report 552. Print of bill and House Report.
July 6,	1959	House passed H. R. 6436 with amendments.
July 7,	1959	H. R. 6436 was referred to Senate Committee on Agriculture and Forestry. Print of bill as referred.
July 14,	1959	Senate committee voted to report H. R. 6436 with amendment.
July 15,	1959	Senate committee reported H. R. 6436 with amendment. Senate Report 519. Print of bill and Senate Report.
July 16,	1959	Senate passed H. R. 6436 as reported.
July 29,	1959	House agreed to Senate amendment.
Aug. 7,	1959	Approved: Public Law 86-139.

Hearings: House Committee on Agriculture on H.R. 6436.

DIGEST OF PUBLIC LAW 86-139

REGULATION OF NEMATOCIDES, PLANT REGULATORS, DEFOLIANTS,
AND DESICCANTS. Amends the Federal Insecticide, Fungicide, and Rodenticide Act so as to bring within the provisions of that act, and thus provide for the regulation of the labeling and marketing of, nematocides, plant regulators, defoliants, and desiccants.

86TH CONGRESS
1ST SESSION

H. R. 6436

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1959

Mr. COOLEY introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Nematocide, Plant Regu-
4 lator, Defoliant, and Desiccant Amendment of 1959".

5 SEC. 2. (A) The Federal Insecticide, Fungicide, and
6 Rodenticide Act (61 Stat. 163; 7 U.S.C. 135-135k) is
7 amended so that sections 2a and 2b read as follows:

8 "a. The term 'economic poison' means (1) any sub-
9 stance or mixture of substances intended for preventing,
10 destroying, repelling, or mitigating any insects, rodents,

1 nematodes, fungi, weeds, and other forms of plant or animal
2 life or viruses, except viruses on or in living man or other
3 animals, which the Secretary shall declare to be a pest, and
4 (2) any substance or mixture of substances intended for use
5 as a plant regulator, defoliant or desiccant.

6 “b. The term ‘device’ means any instrument or contriv-
7 ance intended for trapping, destroying, repelling, or miti-
8 gating insects or rodents or destroying, repelling, or miti-
9 gating fungi, nematodes, or such other pests as may be des-
10 ignated by the Secretary, but not including equipment used
11 for the application of economic poisons when sold sepa-
12 rately therefrom.”

13 (B) Section 2 of such Act is further amended by re-
14 designating subsections g through u to be subsections l
15 through z respectively; and by adding new subsections g,
16 h, i, j, and k, and amending new subsections p and z, to read
17 respectively as follows:

18 “g. The term ‘nematocide’ means any substance or mix-
19 ture of substances intended for preventing, destroying, re-
20 pelling, or mitigating nematodes.

21 “h. The term ‘plant regulator’ means any substance or
22 mixture of substances, intended through physiological action,
23 for accelerating or retarding the rate of growth or rate of

1 maturation, or for otherwise altering the behavior of orna-
2 mental or crop plants or the produce thereof, but shall not
3 include substances to the extent that they are intended as
4 plant nutrients, trace elements, nutritional chemicals, plant
5 inoculants, and soil amendments.

6 “i. The term ‘defoliant’ means any substance or mixture
7 of substances intended for causing the leaves or foliage to
8 drop from a plant, with or without causing abscission.

9 “j. The term ‘desiccant’ means any substance or mix-
10 ture of substances intended for artificially accelerating the
11 drying of plant tissue.

12 “k. The term ‘nematode’ means invertebrate animals of
13 the phylum nemathelminthes and class nematoda, that is,
14 unsegmented round worms with elongated, fusiform, or sac-
15 like bodies covered with cuticle, and inhabiting soil, water,
16 plants or plant parts; may also be called nemas or eelworms.

17 “p. The term ‘active ingredient’ means—

18 “(1) in the case of an economic poison other than
19 a plant regulator, defoliant or desiccant, an ingredient
20 which will prevent, destroy, repel, or mitigate insects,
21 nematodes, fungi, rodents, weeds, or other pests;

22 “(2) in the case of a plant regulator, an ingredient
23 which, through physiological action, will accelerate or

1 retard the rate of growth or rate of maturation or other-
2 wise alter the behavior of ornamental or crop plants or
3 the produce thereof;

4 “(3) in the case of a defoliant, an ingredient which
5 will cause the leaves or foliage to drop from a plant;

6 “(4) in the case of a desiccant, an ingredient which
7 will artificially accelerate the drying of plant tissue.

8 “z. The term ‘misbranded’ shall apply—

9 “(1) to any economic poison or device if its labeling
10 bears any statement, design, or graphic representation
11 relative thereto or to its ingredients which is false or
12 misleading in any particular;

13 “(2) to any economic poison—

14 “(a) if it is an imitation of or is offered for sale
15 under the name of another economic poison;

16 “(b) if its labeling bears any reference to regis-
17 tration under this Act;

18 “(c) if the labeling accompanying it does not
19 contain directions for use which are necessary and if
20 complied with adequate for the protection of the
21 public;

22 “(d) if the label does not contain a warning or
23 caution statement which may be necessary and if

1 complied with adequate to prevent injury to living
2 man and other vertebrate animals, vegetation, and
3 useful invertebrate animals;

4 “(e) if the label does not bear an ingredient
5 statement on that part of the immediate container
6 and on the outside container or wrapper, if there be
7 one, through which the ingredient statement on the
8 immediate container cannot be clearly read, of the
9 retail package which is presented or displayed un-
10 der customary conditions of purchase: *Provided*,
11 That the Secretary may permit the ingredient state-
12 ment to appear prominently on some other part of
13 the container, if the size or form of the container
14 makes it impracticable to place it on the part of the
15 retail package which is presented or displayed un-
16 der customary conditions of purchase;

17 “(f) if any word, statement, or other informa-
18 tion required by or under authority of this Act to
19 appear on the label or labeling is not prominently
20 placed thereon with such conspicuousness (as com-
21 pared with other words, statements, designs, or
22 graphic matter in the labeling) and in such terms as

1 to render it likely to be read and understood by the
2 ordinary individual under customary conditions of
3 purchase and use; or

4 “(g) if in the case of an insecticide, nemato-
5 cide, fungicide, or herbicide when used as directed
6 or in accordance with commonly recognized prac-
7 tice it shall be injurious to living man or other ver-
8 tebrate animals, or vegetation, except weeds, to
9 which it is applied, or to the person applying such
10 economic poison; or

11 “(h) if in the case of a plant regulator, defoli-
12 ant, or desiccant when used as directed it shall be
13 injurious to living man or other vertebrate animals,
14 or vegetation to which it is applied, or to the person
15 applying such economic poison: *Provided*, That
16 physical or physiological effects on plants or parts
17 thereof shall not be deemed to be injury, when this is
18 the purpose for which the plant regulator, defoliant,
19 or desiccant was applied, in accordance with the
20 label claims and recommendations.”

21 SEC. 3. This Act shall take effect on the date of its
22 enactment, except that—

23 (a) with respect to any nematocide, plant regulator,
24 defoliant, or desiccant which was marketed commer-
25 cially prior to the date of enactment and whose use

1 does not result in residues of same remaining in or on
2 a food, and with respect to any nematocide, plant regu-
3 lator, defoliant, or desiccant whose use does result in
4 residue remaining in or on a food at the time of intro-
5 duction into interstate commerce and which use had
6 commercial application prior to January 1, 1958, section
7 3, "Prohibited Acts"; section 8, "Penalties"; section 9,
8 "Seizures"; and section 10, "Imports", of the Federal
9 Insecticide, Fungicide, and Rodenticide Act, which this
10 Act amends, shall not be applicable until—

11 (1) March 5, 1960, or such later date, not be-
12 yond March 5, 1961, as the Secretary of Agricul-
13 ture may prescribe on the basis of a determination
14 that such action will not be unduly detrimental to
15 the public interest and is necessary to avoid hard-
16 ships, or

17 (2) the date on which a registration for such
18 use is issued under the Federal Insecticide, Fungi-
19 cide, and Rodenticide Act,
20 whichever date first occurs; and

21 (b) with respect to any particular commercial use
22 of a nematocide, plant regulator, defoliant, or desiccant,
23 if such use was made of such substance before January
24 1, 1958, clause (2) (B) of section 402 (a) of the

1 Federal Food, Drug, and Cosmetic Act, as amended
2 (21 U.S.C. 342), shall not apply until—

3 (1) March 5, 1960 or at the end of such ad-
4 ditional period, not beyond March 5, 1961, as the
5 Secretary of Health, Education, and Welfare may
6 prescribe on the basis of a finding that such exten-
7 sion involves no undue risk to the public health and
8 that conditions exist which necessitate the prescrib-
9 ing of such an additional period, or

10 (2) the date on which an order with respect
11 to such use under section 408 of the Federal Food,
12 Drug, and Cosmetic Act, as amended (21 U.S.C.
13 348), becomes effective,
14 whichever date first occurs.

A BILL

To amend the Federal Insecticide, Fungicide,
and Rodenticide Act so as to include nemato-
cides, plant regulators, defoliants, and desic-
cants, and for other purposes.

By Mr. COOLEY

APRIL 15, 1959

Referred to the Committee on Agriculture

86TH CONGRESS
1ST SESSION

S. 1900

IN THE SENATE OF THE UNITED STATES

MAY 11, 1959

Mr. HOLLAND (for himself and Mr. AIKEN) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Nematocide, Plant Regu-
4 lator, Defoliant, and Desiccant Amendment of 1959”.

5 SEC. 2. (A) The Federal Insecticide, Fungicide, and
6 Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is
7 amended so that sections 2a and 2b read as follows:

8 “a. The term ‘economic poison’ means (1) any sub-
9 stance or mixture of substances intended for preventing,
10 destroying, repelling, or mitigating any insects, rodents,

1 nematodes, fungi, weeds, and other forms of plant or animal
2 life or viruses, except viruses on or in living man or other
3 animals, which the Secretary shall declare to be a pest, and
4 (2) any substance or mixture of substances intended for use
5 as a plant regulator, defoliant or desiccant.

6 “b. The term ‘device’ means any instrument or contriv-
7 ance intended for trapping, destroying, repelling, or miti-
8 gating insects or rodents or destroying, repelling, or miti-
9 gating fungi, nematodes, or such other pests as may be des-
10 ignated by the Secretary, but not including equipment used
11 for the application of economic poisons when sold sepa-
12 rately therefrom.”

13 (B) Section 2 of such Act is further amended by re-
14 designating subsections g through u to be subsections l
15 through z respectively; and by adding new subsections g,
16 h, i, j, and k, and amending new subsections p and z, to read
17 respectively as follows:

18 “g. The term ‘nematocide’ means any substance or mix-
19 ture of substances intended for preventing, destroying, re-
20 pelling, or mitigating nematodes.

21 “h. The term ‘plant regulator’ means any substance or
22 mixture of substances, intended through physiological action,
23 for accelerating or retarding the rate of growth or rate of

1 maturation, or for otherwise altering the behavior of orna-
2 mental or crop plants or the produce thereof, but shall not
3 include substances to the extent that they are intended as
4 plant nutrients, trace elements, nutritional chemicals, plant
5 inoculants, and soil amendments.

6 “i. The term ‘defoliant’ means any substance or mixture
7 of substances intended for causing the leaves or foliage to
8 drop from a plant, with or without causing abscission.

9 “j. The term ‘desiccant’ means any substance or mix-
10 ture of substances intended for artificially accelerating the
11 drying of plant tissue.

12 “k. The term ‘nematode’ means invertebrate animals of
13 the phylum nemathelminthes and class nematoda, that is,
14 unsegmented round worms with elongated, fusiform, or sac-
15 like bodies covered with cuticle, and inhabiting soil, water,
16 plants or plant parts; may also be called nemas or eelworms.

17 “p. The term ‘active ingredient’ means—

18 “(1) in the case of an economic poison other than
19 a plant regulator, defoliant or desiccant, an ingredient
20 which will prevent, destroy, repel, or mitigate insects,
21 nematodes, fungi, rodents, weeds, or other pests;

22 “(2) in the case of a plant regulator, an ingredient
23 which, through physiological action, will accelerate or

1 retard the rate of growth or rate of maturation or other-
2 wise alter the behavior of ornamental or crop plants or
3 the produce thereof;

4 “(3) in the case of a defoliant, an ingredient which
5 will cause the leaves or foliage to drop from a plant;

6 “(4) in the case of a desiccant, an ingredient which
7 will artificially accelerate the drying of plant tissue.

8 “z. The term ‘misbranded’ shall apply—

9 “(1) to any economic poison or device if its labeling
10 bears any statement, design, or graphic representation
11 relative thereto or to its ingredients which is false or
12 misleading in any particular;

13 “(2) to any economic poison—

14 “(a) if it is an imitation of or is offered for sale
15 under the name of another economic poison;

16 “(b) if its labeling bears any reference to regis-
17 tration under this Act;

18 “(c) if the labeling accompanying it does not
19 contain directions for use which are necessary and if
20 complied with adequate for the protection of the
21 public;

22 “(d) if the label does not contain a warning or
23 caution statement which may be necessary and if

1 complied with adequate to prevent injury to living
2 man and other vertebrate animals, vegetation, and
3 useful invertebrate animals;

4 “(e) if the label does not bear an ingredient
5 statement on that part of the immediate container
6 and on the outside container or wrapper, if there be
7 one, through which the ingredient statement on the
8 immediate container cannot be clearly read, of the
9 retail package which is presented or displayed un-
10 der customary conditions of purchase: *Provided,*
11 That the Secretary may permit the ingredient state-
12 ment to appear prominently on some other part of
13 the container, if the size or form of the container
14 makes it impracticable to place it on the part of the
15 retail package which is presented or displayed un-
16 der customary conditions of purchase;

17 “(f) if any word, statement, or other informa-
18 tion required by or under authority of this Act to
19 appear on the label or labeling is not prominently
20 placed thereon with such conspicuousness (as com-
21 pared with other words, statements, designs, or
22 graphic matter in the labeling) and in such terms as

1 to render it likely to be read and understood by the
2 ordinary individual under customary conditions of
3 purchase and use; or

4 “(g) if in the case of an insecticide, nemato-
5 cide, fungicide, or herbicide when used as directed
6 or in accordance with commonly recognized prac-
7 tice it shall be injurious to living man or other ver-
8 tebrate animals, or vegetation, except weeds, to
9 which it is applied, or to the person applying such
10 economic poison; or

11 “(h) if in the case of a plant regulator, defoli-
12 ant, or desiccant when used as directed it shall be
13 injurious to living man or other vertebrate animals,
14 or vegetation to which it is applied, or to the person
15 applying such economic poison: *Provided*, That
16 physical or physiological effects on plants or parts
17 thereof shall not be deemed to be injury, when this is
18 the purpose for which the plant regulator, defoliant,
19 or desiccant was applied, in accordance with the
20 label claims and recommendations.”

21 SEC. 3. This Act shall take effect on the date of its
22 enactment, except that—

23 (a) with respect to any nematocide, plant regulator,
24 defoliant, or desiccant which was marketed commer-
25 cially prior to the date of enactment and whose use

does not result in residues of same remaining in or on a food, and with respect to any nematocide, plant regulator, defoliant, or desiccant whose use does result in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, section 3, "Prohibited Acts"; section 8, "Penalties"; section 9, "Seizures"; and section 10, "Imports", of the Federal Insecticide, Fungicide, and Rodenticide Act, which this Act amends, shall not be applicable until—

(1) March 5, 1960, or such later date, not beyond March 5, 1961, as the Secretary of Agriculture may prescribe on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships, or

(2) the date on which a registration for such use is issued under the Federal Insecticide, Fungicide, and Rodenticide Act, whichever date first occurs; and

(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant, if such use was made of such substance before January 1, 1958, clause (2) (B) of section 402 (a) of the

1 Federal Food, Drug, and Cosmetic Act, as amended
2 (21 U.S.C. 342), shall not apply until—

3 (1) March 5, 1960 or at the end of such ad-
4 ditional period, not beyond March 5, 1961, as the
5 Secretary of Health, Education, and Welfare may
6 prescribe on the basis of a finding that such exten-
7 sion involves no undue risk to the public health and
8 that conditions exist which necessitate the prescrib-
9 ing of such an additional period, or

10 (2) the date on which an order with respect
11 to such use under section 408 of the Federal Food,
12 Drug, and Cosmetic Act, as amended (21 U.S.C.
13 348), becomes effective,
14 whichever date first occurs.

A BILL

To amend the Federal Insecticide, Fungicide,
and Rodenticide Act so as to include nema-
todes, plant regulators, defoliants, and
desiccants, and for other purposes.

By Mr. HOLLAND and Mr. AIKEN

MAY 11, 1959

Read twice and referred to the Committee on
Agriculture and Forestry

AMENDMENT TO THE FEDERAL INSECTICIDE,
FUNGICIDE, AND RODENTICIDE ACT



HEARING
BEFORE THE
COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES
EIGHTY-SIXTH CONGRESS

FIRST SESSION

ON

H.R. 6436

MAY 21, 1959

Printed for the use of the Committee on Agriculture

Serial U



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WASHINGTON : 1959

AMENDMENT TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

THURSDAY, MAY 21, 1959

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The committee met, pursuant to notice, at 11 a.m., in room 1310, New House Office Building, Hon. Harold D. Cooley (chairman) presiding.

The CHAIRMAN. The committee will be in order, please.

We have before us this morning H.R. 6436, which will be made a part of the record at this point, together with a report from the Department of Agriculture.

(H.R. 6436 and the report from the Department of Agriculture, dated May 21, 1959, follow:)

[H.R. 6436, 86th Cong., 1st sess.]

A BILL To amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides plant regulators, defoliants, and desiccants, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959".

SEC. 2. (A) The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163· 7 U.S.C. 135-135k) is amended so that sections 2a and 2b read as follows:

"a. The term 'economic poison' means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Secretary shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

"b. The term 'device' means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi, nematodes, or such other pests as may be designated by the Secretary, but not including equipment used for the application of economic poisons when sold separately therefrom."

(B) Section 2 of such Act is further amended by redesignating subsections g through u to be subsections l through z respectively; and by adding new subsections g, h, i, j, and k, and amending new subsections p and z, to read respectively as follows:

"g. The term 'nematocide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating nematodes.

"h. The term 'plant regulator' means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

"i. The term 'defoliant' means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

"j. The term 'desiccant' means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

2 AMEND THE INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

"k. The term 'nematode' means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

"p. The term 'active ingredient' means—

"(1) in the case of an economic poison other than a plant regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, menatodes, fungi, rodents, weeds, or other pests;

"(2) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

"(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

"(4) in the case of a desiccant, an agredient which will artificially accelerate the drying of plant tissue.

"z. The term 'misbranded' shall apply—

"(1) to any economic poison or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

"(2) to any economic poison—

"(a) if it is an imitation of or is offered for sale under the name of another economic poison;

"(b) if its labeling bears any reference to registration under this Act;

"(c) if the labeling accompanying it does not contain directions for use which are necessary and if complied with adequate for the protection of the public;

"(d) if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals;

"(e) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions, of purchase: *Provided* That the Secretary may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

"(f) if any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or

"(g) if in the case of an insecticide, nematocide, fungicide, or herbicide when used as directed or in accordance with commonly recognized practice it shall be injurious to living man or other vertebrate animals, or vegetation, except weeds, to which it is applied, or to the person applying such economic poison; or

"(h) if in the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such economic poison: *Provided*, That physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations."

SEC. 3. This Act shall take effect on the date of its enactment, except that—

(a) with respect to any nematocide, plant regulator, defoliant, or desiccant which was marketed commercially prior to the date of enactment and whose use does not result in residues of same remaining in or on a food, and with respect to any nematocide, plant regulator, defoliant, or desiccant whose use does result in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, section 3, "Prohibited Acts"; section 8, "Penalties"; section 9, "Seizures"; and section 10, "Imports", of the Federal Insecticide,

Fungicide, and Rodenticide Act, which this Act amends, shall not be applicable until—

(1) March 5, 1960, or such later date, not beyond March 5, 1961, as the Secretary of Agriculture may prescribe on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships, or

(2) the date on which a registration for such use is issued under the Federal Insecticide, Fungicide, and Rodenticide Act, whichever date first occurs; and

(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant, if such use was made of such substance before January 1, 1958, clause (2)(B) of section 402(a) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 342), shall not apply until—

(1) March 5, 1960 or at the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 348), becomes effective, whichever date first occurs.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 21, 1959.

Hon. HAROLD D. COOLEY,
Chairman, Committee on Agriculture, House of Representatives.

DEAR CONGRESSMAN COOLEY: This is in reply to your request of April 16 for a report on H.R. 6436, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

This Department supports the purposes of the bill and recommends its enactment.

The bill would amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to bring within the provisions of that law four new classes of chemicals. These classes are nematocides, plant regulators, defoliants, and desiccants.

Our reasons for making the above recommendation are as follows:

(1) The new classes of chemicals which would be brought within the Federal Insecticide, Fungicide, and Rodenticide Act are characteristically agricultural chemicals. The regulation of their use would provide the same protection to farmers and others using them as is now provided users of products subject to the present act.

(2) These materials have developed into significant agricultural usage since the Federal Insecticide, Fungicide, and Rodenticide Act was enacted in 1947. Thus, their inclusion within the provisions of that law appears warranted now on the basis of their vastly increased commercial usage.

(3) It is in the interest of uniformity in the regulation of agricultural chemicals to have nematocides, plant regulators, defoliants, and desiccants subject to the same requirements as are insecticides, fungicides, and herbicides.

(4) Many State pesticide statutes presently regulate these materials. The bill would bring them under Federal jurisdiction and would promote uniformity in Federal-State pesticide regulation.

It is estimated that \$350,000 would be required to administer the provisions of H.R. 6436.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

E. T. BENSON, *Secretary.*

The CHAIRMAN. I should like to hear everyone who is here and would care to testify on this matter.

I understand that our first witness is Dr. Clarkson, Deputy Administrator, who has to leave for another engagement. If you will come around, Dr. Clarkson, we will hear you, and you may leave your assistants for any questions that may arise.

**STATEMENT OF M. R. CLARKSON, DEPUTY ADMINISTRATOR;
ACCOMPANIED BY WILLIAM L. POPHAM, ASSISTANT ADMIN-
ISTRATOR; J. C. WARD, CHIEF, PESTICIDES REGULATIONS
BRANCH; AND HARRY ROTHENBACH, DEPUTY ASSISTANT TO
THE ADMINISTRATOR, AGRICULTURAL RESEARCH SERVICE,
U.S. DEPARTMENT OF AGRICULTURE**

Dr. CLARKSON. Mr. Chairman and members of the committee, we are glad to have the opportunity to discuss with you H.R. 6436 which would amend the Federal Insecticide, Fungicide, and Rodenticide Act.

The bill would bring within the scope of the act nematocides, plant regulators, defoliants, and desiccants—four classes of agricultural chemicals which up to now have not been regulated under Federal law. This is accomplished in the bill before you by amending the definitions of “economic poison” and “device” as contained in the present act.

Enactment of the bill would also bring food and feed crops bearing residues of nematocides, plant regulators, defoliants, and desiccants within the provisions of the pesticide chemicals residue amendment to the Federal Food, Drug, and Cosmetic Act (Public Law 518, 83d Cong., approved July 22, 1954). Crops bearing residues of insecticides, fungicides, or herbicides are now subject to that amendment.

H.R. 6436 would place primary responsibility for the regulation of nematocides, plant regulators, defoliants, and desiccants, including the necessary determinations of their usefulness and labeling requirements, in the Department of Agriculture. The four classes of agricultural chemicals covered by the amendment have gained widespread use since the Federal Insecticide, Fungicide, and Rodenticide Act was approved June 25, 1947.

Enactment of the bill would promote uniformity in the application of regulations governing residues of agricultural chemicals on food by bringing all such products under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act and the aforementioned Public Law 518. Furthermore, it would represent a significant step toward achieving uniformity in State and Federal regulations applicable to these products. The question as to the safety of any residues in or on raw agricultural commodities exposed to these chemicals would, along with insecticides, fungicides, herbicides, rodenticides, and disinfectants, remain a responsibility of the Department of Health, Education, and Welfare.

The current act has proved effective as a public protection measure, and this Department believes the public should be afforded the same protection when they purchase and use the nematocides, plant regulators, defoliants, and desiccants which are the subject of H.R. 6436. The present law protects the handlers and users of insecticides, fungicides, herbicides, rodenticides, and disinfectants by requiring that full and accurate information concerning contents and directions for use appear on the label. In the case of economic poisons which are toxic to man, a statement of antidote for the poison contained in the product is required.

Under the proposed legislation, the same regulations would apply to these four added classes of chemicals.

With certain exceptions, the proposed legislation would become effective upon enactment. This will permit manufacturers, formulators, and shippers who deal in these chemicals and engage in interstate commerce to register their products with this Department at the earliest possible date. The exceptions provide that the enforcement provisions of the act shall not become immediately applicable with respect to those uses of the added chemicals which do not result in residues on food shipped interstate; or, when residues do result, if there is a history of commercial application prior to January 1, 1958. Uses which meet these conditions would be subject to the enforcement provisions of the amended act by March 5, 1960; or at a later date the Secretary of Agriculture may determine to be in the public interest, but not beyond March 5, 1961; or the date on which registration for such use is issued under the Federal Insecticide, Fungicide, and Rodenticide Act, whichever date first occurs.

These dates coincide with the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act. Since many of the products subject to this bill are also subject to the Food Additives Amendment, confusion will be avoided by synchronizing effective dates.

In summary, Mr. Chairman, this proposed legislation is needed for the orderly development of this class of agricultural chemicals for the protection of American agriculture and the consumers of agricultural products. The enactment of this legislation would appreciably increase the responsibilities incident to the administration of the Federal Insecticide, Fungicide, and Rodenticide Act. Registration and enforcement activities, we estimate, would be increased about 40 percent. Enactment of the proposed legislation would make it necessary for us to review the needs in this field, in relation to our other needs and financial resources, as a part of the regular budget process.

Mr. Chairman, my statement has not covered the details of the bill. However, at this time we will be glad to answer any questions you may have.

The Secretary has filed a favorable report on this legislation, which is agreeable to the Bureau of the Budget.

I will be glad to try to answer any questions that the committee may have.

The CHAIRMAN. Thank you very much, Dr. Clarkson, for your statement.

I would like to ask one question for my own information.

In our State, the farmers use MH-30. Do you know what consideration has been given to the use of this chemical, which is used in the cultivation of tobacco?

Dr. CLARKSON. MH-30, or maleic hydrazide is a plant regulator which has gained considerable use on a number of products, including tobacco.

It controls the suckering of the tobacco plant favorably to the grower and allows him to produce a more profitable crop, but we understand that there are some difficulties that arise during the processing of that tobacco by the manufacturers, and that during the aging of the tobacco, the tobacco loses in quality characteristics desired by the manufacturer.

The CHAIRMAN. That is the contention, but do you have any proof as to the accuracy of the contention? Have you conducted any experiments along that line?

Dr. CLARKSON. We have conducted no research ourselves on the effects of MH-30 on tobacco reaching the manufacturer's plant.

The CHAIRMAN. Have you been requested by anyone to conduct any such experiments?

Dr. CLARKSON. No, however, we have been called upon to say what the agricultural uses and advantages of the chemical are, and to comment on information which has been brought to our attention about the manufacturing difficulties.

The CHAIRMAN. If it is a fact that MH-30 has a bad effect on tobacco it certainly would appear to me that it would appear to me that it would likewise have a bad effect on vegetables and other crops.

Dr. CLARKSON. It raises a question as to the net long-range effect of the chemical. That, actually, is one of the purposes of the legislation before you, which would bring this class of chemicals under the same kind of regulation that is now afforded for insecticides, fungicides, and rodenticides.

The CHAIRMAN. In other words, with the passage of this bill the Federal Government would have the authority to regulate the use of that chemical?

Dr. CLARKSON. Yes.

The CHAIRMAN. If you found in your investigation that it was detrimental, you could then exercise control?

Dr. CLARKSON. We would; yes, sir.

The CHAIRMAN. That is what I wanted to clear up. This is a "red hot" subject down in my area right now. The tobacco farmers are very much concerned about it, as well as the manufacturers.

Do you feel that the Federal Government should regulate the use of the chemicals?

Dr. CLARKSON. One of the advantages that has been gained through the regulation of the insecticides, fungicides, and rodenticides has been to bring about uniformity of control, uniformity of understanding, and uniformity of usage throughout the country under both State and Federal authorities. This bill would tend to extend that uniformity to these additional classes of chemicals.

The CHAIRMAN. And this legislation would enable you to do that?

Dr. CLARKSON. Yes, sir.

The CHAIRMAN. Are there any further questions?

Mr. HOEVEN. Doctor, I understand that this bill seeks to bring within the provision of the present law four new classes of chemicals. They are listed in the bill. In ordinary layman's language, will you please define these chemicals for the benefit of the record?

Dr. CLARKSON. The classes of chemicals that are listed are nematocides, plant regulators, defoliants and desiccants.

Mr. HOEVEN. If you will define each one in layman's language, it will be helpful.

Dr. CLARKSON. I would like to say first that those chemicals were in very limited use at the time the original Insecticide, Fungicide, and Rodenticide Act was passed, and also at the time the pesticide residue amendment of the Food, Drug, and Cosmetic Act was passed.

It was anticipated then, however, there would be additional chemicals that would come into use, and the record will show that it was

intended that when they were to come into important use the Congress would be willing to reconsider it.

Nematocides are chemicals which are designed to destroy or to inhibit the action of nematodes—soil-borne forms of life that are usually microscopic in size. They are little eel-like worms in structure. They are of many varieties and classes.

They affect many types of agricultural plants from grasses to citrus.

We are engaged with the State of Florida now in an effort to reduce the effects of the burrowing nematode on the citrus in that State.

We are engaged with the State of North Carolina and some others in an effort to reduce the damage from the soybean cyst nematodes in those areas.

Desiccants are chemicals which are used to bring about uniformity of maturity in some plants. For example, rice—to bring about the final drying and maturing of the crop, so that it can be harvested economically and feasibly by combines and harvesting equipment that is in modern use, and with a maximum of proper drying of the rice kernel.

Defoliants are chemicals which are used to remove the foliage from plants at the optimum time. For example, in cotton harvesting with mechanical equipment it is of great advantage to have the foliage removed, so that there will be a minimum of trash and a minimum of loss of cotton lint.

The plant regulators are used for a wide variety of purposes. For example, to promote the thinning of fruits, such as apples, to promote uniformity in harvesting by controlling the dropping of the fruit from the trees, and also it is used for controlling suckering on tobacco, as has just been mentioned.

There are many other examples that could be cited.

The CHAIRMAN. Are there any further questions?

(No response.)

The CHAIRMAN. If not, we thank you very much, Dr. Clarkson.

Dr. CLARKSON. Thank you, Mr. Chairman.

The CHAIRMAN. The next witness is Mr. L. S. Hitchner, executive secretary of the National Agricultural Chemicals Association.

**STATEMENT OF L. S. HITCHNER, EXECUTIVE SECRETARY;
ACCOMPANIED BY JOSEPH A. NOONE, NATIONAL AGRICUL-
TURAL CHEMICALS ASSOCIATION, WASHINGTON, D.C.**

Mr. HITCHNER. Mr. Chairman and members of the committee, my name is Lea S. Hitchner. I am the executive secretary of the National Agricultural Chemicals Association, located at 1145 19th Street NW., Washington, D.C.

The members of NAC are producers and formulators of insecticides, fungicides, weed killers, defoliants, desiccants, and related agricultural chemicals. The members of NAC produce more than 85 percent of the basic agricultural chemicals and produce more than 75 percent of the formulated products made in this country.

All members of the association and leaders in the agricultural industry have been informed by us of the pending legislation, and it has been widely publicized in the NAC News and Pesticide Review. This publication has a circulation of 13,000 going to land-grant col-

leges, county agricultural agents, farm organizations, farm and radio press, and such groups that keep the farmer informed.

A copy of H.R. 6436 has also been submitted to all of the presidents and experiment station directors of the land-grant colleges and to the State agricultural chemical control officials. All comments received have been favorable and in support of the legislation. We know of no objections.

We wish to unqualifiedly endorse and request the passage of the legislation.

The proposed legislation, H.R. 6436, would amend the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135-135k) so as to extend its coverage to certain classes of agricultural chemicals not now regulated thereunder.

These products are commonly known and referred to as nematocides, defoliants, desiccants, and plant regulators.

Nematocides are used to kill certain very small worms known as nematodes or eelworms which attack crops.

Defoliants are used to cause leaves to drop from plants, generally to facilitate harvesting.

Desiccants are used to artificially accelerate the drying of plant tissues, generally to facilitate harvesting.

Plant regulators are used to alter the normal growth or other physiological processes of plants or the produce thereof, for such purposes as to promote fruit set, to promote or retard maturity, and to prolong or break dormancy.

The bill would accomplish this objective primarily by expanding the present definition of "economic poison" in the Federal Insecticide, Fungicide, and Rodenticide Act to include these products. It would also amend certain other definitions in the act and add some additional ones, as necessitated by the broader coverage. However, it does not change the substantive provisions of the act as they relate to presently regulated products.

The bill would directly subject the products involved to the same labeling, registration, and regulatory controls under the Federal Insecticide, Fungicide, and Rodenticide Act as now apply to agricultural chemicals used for pest control purposes.

By placing them under that act, the bill would also place them under the Miller pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act (Public Law 518, 83d Cong.), insofar as residues in or on raw agricultural commodities may be involved, because of the interrelationship of the two acts.

In order to permit an orderly transition period for both the Government and industry, provision is made whereby certain sections of the aforementioned acts would not be applicable to these products until March 5, 1960, or such later date or dates not beyond March 5, 1961, as the Secretary of Agriculture and the Secretary of Health, Education, and Welfare may prescribe. These dates have been specified so as to have the fully effective dates under this bill coincide with those under the food additives amendment to the Federal Food, Drug, and Cosmetic Act (Public Law 85-929).

Today's agriculture is largely dependent on agricultural chemicals and agricultural chemical research on which our member companies are spending more than \$20 million a year.

As new products are developed it is desirable that they be regulated in a uniform manner with other agricultural chemicals, and this bill provides for the inclusion of four categories of agricultural chemicals which have grown in importance to agriculture and to the industry since the passage of the Federal Insecticide, Fungicide, and Rodenticide Act in 1947. If these products had been in commercial usage in 1947, they would have undoubtedly have been included in the law at that time.

In 1953-54, while the bill, which was to eventually become the Miller pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act, was pending in the Congress, provision was made in it that upon inclusion of new agricultural chemicals within the scope of the Federal Insecticide, Fungicide, and Rodenticide Act, they would also come under the provisions of that amendment to the Food, Drug, and Cosmetic Act.

Experience has shown that regulation of agricultural pest control chemicals under the Federal Insecticide, Fungicide, and Rodenticide Act has been effective and beneficial to farmers and growers. Accordingly, it appears desirable that the same type of regulation, under the same act, should be applied to these more recently developed products. This is particularly important in view of the fact that a certain chemical may find use as a pesticide and also as a defoliant, desiccant, and/or plant regulator.

Thus 2,4-dichlorophenoxyacetic acid, commonly known as 2,4-D, may be used at one concentration as a herbicide, whereas at a much more dilute concentration it may be used on certain trees as a plant regulator to lessen premature fruit drop.

The use as a herbicide is now subject to the Federal Insecticide, Fungicide, and Rodenticide Act, whereas the use as a plant regulator is not. The same situation exists as regards many other agricultural chemicals which are subject to this bill. It is desirable and important that all these agricultural uses should be regulated in a uniform manner at the Federal level.

The passage of the proposed legislation would thus bring under regulation of the Federal Insecticide, Fungicide, and Rodenticide Act and the Miller pesticide chemicals amendment to the Food, Drug, and Cosmetic Act the agricultural chemicals listed: Defoliants, desiccants, nematocides, and plant regulators.

It would provide for the expert judgment by the Department of Agriculture on the agricultural consideration involved with the sale and use of these products and by the Food and Drug Administration on the determination of tolerances, if any are necessary, for the protection of the public health. It would provide a uniform procedure of control for agricultural chemicals, both for the agricultural interests who use them and for the industry.

At the present time the agricultural chemicals which are the subject of H.R. 6436 are due to be regulated as food additives under the food additives amendment to the Federal Food, Drug, and Cosmetic Act, enacted during the last session of Congress.

We believe that these chemicals should be regulated the same as agricultural pest control chemicals under the Federal Insecticide, Fungicide, and Rodenticide Act and the Miller pesticide chemicals amendment rather than under the food additives amendment.

This arrangement provides for the Department of Agriculture to decide such questions as usefulness, effectiveness, and labeling of the products themselves and provides for the regulation of residues of the products by the Food and Drug Administration through the establishment of tolerances when such are necessary for the adequate protection of the public health.

It is our belief that this legislation will be of benefit to the growers by assuring careful review of labeling claims and directions for use by the Department of Agriculture before the products are offered for sale in interstate commerce and would also assist the farmer by assuring him that if he follows the label directions on these agricultural chemicals his produce will be safe and within the tolerances established by the Food and Drug Administration.

The proposed legislation would set a pattern which would enable the States to adopt similar amendments to their State pesticide laws. Many States are awaiting the passage of this legislation so that it can be adopted as a part of a uniform State legislative program.

For the benefit of the committee we are attaching as a part of this statement a marked copy of the bill showing the changes in existing legislation proposed by this bill. From this it may be seen that only a limited number of changes are proposed in the Federal Insecticide, Fungicide, and Rodenticide Act. Most of the bill is devoted to a reproduction of unchanged sections of the act and to provisions regarding the effective date of the bill.

Also attached as an exhibit is a memorandum explaining the scope of the term "plant regulator" as used in H.R. 6436. This reflects our understanding of the term and we believe also reflects the Department of Agriculture's understanding and interpretation of the term. We request that it be made a part of the record of these hearings.

We respectfully request your careful consideration of the proposed legislation and we hope that it will be passed at this session of Congress.

The CHAIRMAN. We thank you very much for your statement, and without objection, the exhibit attached, will be included in the record at this point.

(The document referred to follows:)

SCOPE OF THE TERM "PLANT REGULATOR" AS USED IN THE PROPOSED AMENDMENT TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

The proposed amendment the Federal Insecticide, Fungus, and Rodenticide Act defines "Plant Regulator" as follows:

"The term 'plant regulator' means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments."

The following are illustrative of the types of materials intended to be included within the scope of the definition of plant regulator given above: Substances intended for accelerating or suppressing overall plant growth; preventing fruit drop; accelerating root formation; prolonging and/or breaking dormancy of plants; controlling the appearance, quality, and production of plants, their flowers, and produce; suppressing or stimulating bud growth; increasing or decreasing fruit set; promoting the retention of leaves; or regulating growth processes of plants or the produce thereof in other ways

The following are specific examples of chemicals which are considered to fall within the above definition of plant regulator is used for the indicated purposes.

(Some examples have no commercial applications but are listed solely for purposes of illustration.)

To prolong dormancy-----	Maleic hydrazide and naphthaleneacetic acid on onions.
To break dormancy-----	Ethylene Chlorohydrin on potatoes; gibberellins on potatoes.
To inhibit fruit drop-----	Naphthaleneacetic acid on apples; 2,4,5-trichlorophenoxypropionic acid on apples.
To promote rooting of cuttings.	Indoleacetic acid, indolebutyric acid, naphthaleneacetic acid.
To set fruit-----	Naphthaleneacetic, naphthaleneacetic acid.
To induce polyploidy-----	Colchicine; naphthylphthalamic acid.
To initiate blossoming-----	Triiodobenzoic acid on pineapple; naphthylphthalamic acid on tomatoes.
To hasten maturity-----	2,4,5-Trichlorophenoxypropionic acid on apples
To elongate growth-----	Gibberellic acid.
To promote coloring-----	2,4-dichlorophenoxyacetic acid on potatoes; ethylene on bananas and citrus.
To induce bolting-----	Gibberellic acid.
To prevent bolting or suckering.	Maleic hydrazide on tobacco.
To thin blossoms-----	4,6-dinitro-o-cresol on peaches; naphthaleneacetamide on deciduous fruits.

The term "plant regulator" includes only substances which accomplish their purpose by directly affecting the physiological processes of the plant or the produce thereof. Thus, a substance with a physical, as distinguished from physiological, effect on a plant or the produce thereof would not be considered a plant regulator. For example, the following would not be classified as plant regulators: Oil applied to plant leaves to give them a shine; dyes used to color fresh fruits or vegetables; dyes used to color dormant grasses or cut flowers. Also excluded from the scope of the term are mechanical contrivances and devices used to regulate plant growth and maturity, such as lights, and shades and window coatings used in hothouses.

The term "plant regulator" does not include substances intended solely as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments. Thus, materials intended for use as plant foods do not fall within the definition and would not become subject to the Federal Insecticide, Fungicide, and Rodenticide Act by this amendment.

The CHAIRMAN. Without objection I will insert in the record at this point a letter sent to me by the Honorable John W. McCormack, the majority leader, which he received from one of his constituents, Mr. Dale H. Sieling, dean and director of the University of Massachusetts.

(The letter referred to follows:)

THE COMMONWEALTH OF MASSACHUSETTS,
UNIVERSITY OF MASSACHUSETTS,
COLLEGE OF AGRICULTURE,
Amherst, May 15, 1959.

HON. JOHN W. McCORMACK,
House of Representatives, Washington, D.C.

DEAR SIR: The legislation proposed in H.R. 6436 to amend the Federal insecticide, fungicide, and rodenticide law has been reviewed by a committee of scientists of the University of Massachusetts whose work with the public would be influenced by this legislation.

The committee recommends unanimously that the provisions of this proposed amendment be enacted to benefit both the producer and consumer of foods. Unless you have specific reasons for opposing this amendment, we believe that it would be for the good of the people of Massachusetts if you supported it.

We would be pleased to furnish scientific information in support of our stand in this matter if you desire it.

Very truly yours,

DALE H. SIELING, *Dean and Director.*

The CHAIRMAN. Are there further questions?

(No response.)

The CHAIRMAN. If not, I should also like to insert a letter into the record from the National Cotton Council of America which has been submitted for the record; a letter from the Department of Agriculture of the State of California, dated May 19, 1959; a letter from the National Plant Food Institute, dated May 20, 1959.

(The letters referred to follow:)

NATIONAL COTTON COUNCIL OF AMERICA,
Washington, D.C., May 20, 1959.

HON. HAROLD D. COOLEY,
Chairman, House Committee on Agriculture,
U.S. Capitol, Washington, D.C.

DEAR MR. COOLEY: I am writing to register the support of the National Cotton Council of H.R. 6436, which would bring various agricultural chemicals under the Federal Insecticide, Fungicide, and Rodenticide Act of 1947. This bill would also place these chemicals under the pesticide chemicals amendment to the Food, Drug, and Cosmetic Act and remove them from the food additives amendment to the same act.

The council deems both these objectives highly desirable and lends its unqualified support to H.R. 6436.

Most of the chemicals included in H.R. 6436 have been developed and found widespread use since 1947. All of these groups of chemicals are used to some extent on cotton. Because of their growing importance in agriculture, it is highly desirable that any regulation of these chemicals be in the same manner as pesticides. The labeling, registration, and tolerance requirements under such regulations would protect the consumer from undesirable chemical residues in the raw agricultural products on which they are used and at the same time provide for reasonable use in agriculture.

There are other factors which argue effectively in favor of H.R. 6436. Under it the Department of Agriculture would have the responsibility for regulating the use of these chemicals. This would be less expensive than leaving them under the food additives amendment which would require administration of the Food and Drug Administration, necessitating a staff of agricultural experts in that group. In addition, the Department of Agriculture has a wealth of experience as to agricultural needs which Food and Drug does not.

Experience has shown that the regulation of agricultural chemicals for pest control under the Federal Insecticide, Fungicide, and Rodenticide Act has proved both effective and beneficial to farmers and consumers. The council is firmly convinced that H.R. 6436 would have the same salutary effects.

We would appreciate this letter being made a part of the record of hearings.
Respectfully submitted.

J. BANKS YOUNG,
Washington Representative.

STATE OF CALIFORNIA,
DEPARTMENT OF AGRICULTURE,
Sacramento, May 19, 1959.

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN COOLEY: I have been informed that hearings are scheduled for Thursday, May 21, to consider H.R. 6436 which proposes to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliant, and desiccants.

In California these materials are regulated under our Agricultural Code, and we think they should be included in the Federal Insecticide, Fungicide, and Rodenticide Act and wish to give full support to H.R. 6436.

There is close cooperation between the bureau of chemistry of this department and the Pesticides Regulation Branch of the U.S. Department of Agriculture. We have attempted to have our rules and regulations and labeling requirements in as close agreement as possible. One of the fields of confusion has been with regard to desiccants, defoliant, and nematocides which have required registration

and licensing as economic poisons in California but have been exempt from the Federal law. The result has been that manufacturers shipping these materials into the State have had to correct their labels to comply with California law. Inclusion of these materials in the Federal law will mean that in complying with it the products will also comply with California legal requirements. This will aid us in our enforcement program as well as relieve the manufacturers and distributors from making special labels for shipments to this State.

These materials are used in large quantities in California, and it is important to farmers that they be properly labeled with regard to ingredients, directions for use, and any necessary precautions with regard to such use. Furthermore, some of these materials leave residues which must be recognized and limited or tolerances set in order that the commodities treated will meet the requirements of the Federal Food, Drug, and Cosmetic Act. In order for tolerances to be secured under the Miller bill procedure where a petition is filed by the applicant, it is necessary that the products be registered under the Federal Insecticide, Fungicide, and Rodenticide Act. In California it is our plan to adopt Federal tolerances issued by the Food and Drug Administration.

We think that including these materials under the Federal Insecticide, Fungicide, and Rodenticide Act as proposed by H.R. 6436 will be helpful in getting proper tolerances which should be uniform throughout the United States in order that our commodities can move across State lines and have set standards to meet.

On account of the distance, it is not convenient for me to appear in person at the hearing, but I would appreciate very much having this statement supporting H.R. 6436 entered in your records.

Very truly yours,

ALLEN B. LEMMON,
Chief, Division of Plant Industry.

NATIONAL PLANT FOOD INSTITUTE,
Washington, D.C., May 20, 1959.

Hon. HAROLD D. COOLEY,
*Chairman, House Committee on Agriculture,
House of Representatives, Washington, D.C.*

DEAR MR. COOLEY: This is to request, on behalf of the approximately 250 members of the National Plant Food Institute, your full support for the enactment of H.R. 6436 now before the House Committee on Agriculture.

In our opinion, H.R. 6436 is a desirable step in the development of proper regulation in the area involved. We are aware of the issues H.R. 6436 seeks to meet, and we herewith endorse its provisions, request its passage, and ask that this letter, at an appropriate point, be made a part of the record.

Most especially do we endorse the clear distinction between substances "intended solely as plant nutrients" and other substances grouped under the broad designation of "plant regulators."

Assuring you of our appreciation for your support, I am,

Sincerely yours,

PAUL T. TRUITT,
Executive Vice President.

The CHAIRMAN. We will now hear from Mr. Albert B. Heagy, secretary-treasurer, the Association of American Pesticide Control Officials, Inc.

**STATEMENT OF ALBERT B. HEAGY, SECRETARY-TREASURER, THE
ASSOCIATION OF AMERICAN PESTICIDE CONTROL OFFICIALS,
INC., COLLEGE PARK, MD.**

Mr. HEAGY. Mr. Chairman and gentlemen, my name is Albert B. Heagy. I am secretary-treasurer of the Association of American Pesticide Control Officials, Inc., and the Pesticide Control Officials for the State of Maryland. This association numbers among its members those representatives of the Federal Government, the various States, Canada, Hawaii, and Puerto Rico, who are responsible for the

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enforcement of laws regulating the sale and distribution of insecticides, fungicides, and rodenticides in their respective areas.

The primary objective of this association is to promote uniformity in legislation and regulations as they apply to the manufacture and distribution of these products.

With the introduction of nematocides, plant regulators, defoliants, and desiccants, enforcement officials were faced with the problem of properly classifying these materials under existing statutes.

The result of such attempted classification found 30 States and Canada with no available legislation under which these items could be regulated. Fifteen of the States classified them as economic poisons, fertilizers, or other types of agricultural auxiliary chemicals.

These varied designations developed a very confused situation not only to industry but also to most enforcement officials. This resulted in the appointment of a joint committee whose objective was to develop some degree of uniformity.

A resolution was unanimously adopted by this association which would place these products within the purview of the present model insecticide, fungicide and rodenticide bill. This resolution reads as follows:

Whereas the distribution and sale of plant food, consisting primarily of commercial fertilizers, are presently subject to regulatory control under the fertilizer laws which have been enacted in each of the 48 States; and

Whereas the distribution and sale of insecticides, fungicides, rodenticides, and herbicides are presently regulated under the Federal insecticide, fungicide, and rodenticide law and various counterpart State laws; and

Whereas there are now being produced and sold a number of agricultural chemicals intended to affect the physiological processes of plants such as gibberellins, plant regulators, desiccants, and defoliants which are now subject to regulatory control in a limited number of States under at least three different types of laws: Now, therefore, be it

Resolved, That it is the opinion of the Association of American Pesticide Control Officials that to the extent that regulatory control over sale and distribution of the latter agricultural chemicals is necessary, in the interest of the uniformity of regulatory control, it should be imposed in accordance with the following principles:

(1) Any regulatory control deemed necessary over agricultural chemicals intended to affect the physiological processes of plants such as gibberellins, plant regulators, desiccants, and defoliants, other than plant foods, should be imposed by amendment to the Uniform State Insecticide, Fungicide, and Rodenticide Act and the counterpart State acts, rather than under the State fertilizer laws.

(2) In the case of a product which consists of a combination of both plant foods and pesticides or other regulated chemicals or products claiming both plant food and other regulated chemical value, it should be subjected to control under both the applicable aforementioned laws.

In view of the fact that these chemicals are in the same category as those now under surveillance, little or no additional inspection expense is anticipated.

The proposed legislation that you are considering today represents that which all groups consider a good bill. It will meet the objectives of the association with respect to uniformity of enforcement and establish a pattern for State legislative action in the future.

I also have a resolution of the association, which I should like to submit for the record.

The CHAIRMAN. Without objection, the resolution will be inserted in the record at this point.

(The resolution referred to follows:)

RESOLUTION OF THE ASSOCIATION OF AMERICAN PESTICIDE CONTROL OFFICIALS

Whereas there has been for the past decade very close cooperation between officials responsible for the administration of pesticide laws at both the State and Federal levels; and

Whereas such cooperation has proven mutually advantageous to both State and Federal officials in both the registration and enforcement activities related to the various statutes, as well as to the industry regulated; and

Whereas the pesticide laws of certain States now cover classes of products not now subject to the Federal statute and action has been initiated or is contemplated to amend numerous other State laws to bring within such jurisdiction additional agricultural chemicals: Therefore be it

Resolved, That this association recommend and endorse the expansion of the existing Federal Insecticide, Fungicide, and Rodenticide Act to perpetuate uniformity between the scope of that law and the related State statutes; and be it

Resolved further, That the association will support and cooperate in the broadening of the Federal act by amendment or otherwise to include chemicals intended for use as nematocides, desiccants, defoliants, and plant regulators.

Presented by the resolutions committee and adopted by the association membership, October 18, 1958.

The CHAIRMAN. I assume that you are in favor of the bill that we have under consideration.

Mr. HEAGY. I am representing the Association of American Pesticide Control Officials, which is made up of all of the control officials in the States, Hawaii, Puerto Rico, and the Federal Government, who enforce pesticide laws.

The CHAIRMAN. Do you know of any opposition to the passage of this bill?

Mr. HEAGY. I have received no letters or comments from any of the States objecting to it.

The CHAIRMAN. I might add that this has been under consideration for some time—I know it has been publicized—and I have not received any letters in opposition to it.

Mr. HEAGY. We passed two resolutions in our annual meeting last year in Washington, and they were all in favor of this particular type of bill.

The CHAIRMAN. Thank you very much.

Mr. HEAGY. Thank you.

The CHAIRMAN. Our next witness is Dr. H. H. Schwardt, from New York State College of Agriculture, Cornell University.

We shall be very glad to hear from you now, Dr. Schwardt.

STATEMENT OF H. H. SCHWARDT, HEAD, DEPARTMENT OF ENTOMOLOGY, NEW YORK STATE COLLEGE OF AGRICULTURE, CORNELL UNIVERSITY, ITHACA, N.Y.

Mr. SCHWARDT. Mr. Chairman, and members of the committee, I am H. H. Schwardt, head of the Department of Entomology at the New York State College of Agriculture, Cornell University, at Ithaca, N.Y. I am also administratively in charge of the Pesticide Residue Research Laboratory at Cornell.

The departments of entomology, agronomy, plant pathology, pomology, vegetable crops, and floriculture and ornamental horticulture, at the New York State College of Agriculture have, among them, the responsibility for research on the effectiveness and safety of economic poisons as defined in H.R. 6436. This includes either laboratory or field testing, or both, to determine the effectiveness of

these materials against insects, nematodes, fungi, or weeds, or their usefulness in regulating plant growth, defoliating plants, or desiccating plants, the optimum dosages, the correct timing of sprays or other applications to achieve best results, the testing of some for possible undesirable toxic effects on crop plants, and the determination of residues, if any, left on edible parts of the plant at harvest time. When such tests indicate that an economic poison will increase yields, or quality of farm products, or otherwise benefit agriculture, and at the same time the treated plants either carry no residues of these economic poisons, or carry residues within the tolerances established under the Miller pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act, then these economic poisons are recommended for use on New York farms, and members of our extension service instruct farmers, county agricultural agents, and others in their proper use.

In many instances, the economic poisons that we test have not been registered and labeled for interstate sale, and tolerances on possible residues have not been established. When our tests show that such new economic poisons will benefit agriculture and involve no hazard to public health, it becomes immediately urgent that they be registered and labeled for interstate sale and use, and that residue tolerances be established if needed. The provisions of H.R. 6436 will simplify, and accelerate the processes of label acceptance, registration, and residue tolerance establishment, and thus speed the adoption of safe and useful new economic poisons by agriculture.

Agriculture is largely dependent on the chemical industries for the development of useful new economic poisons. The high cost of developing these materials and obtaining toxicological information on them, has in some instances discouraged some members of the chemical industry from continuing this phase of their activities. If, after thorough testing by industry and the State and Federal experiment stations, an extended period of waiting for registration and tolerance establishment is added, then the company involved becomes further discouraged and may slow down or stop development of such chemicals. This can deny agriculture a steady flow of new and useful materials. Since H.R. 6436 will facilitate registration, label acceptances, and tolerance establishment, it will encourage the chemical industries to continue the development of promising new materials.

The use of the materials, newly designated as economic poisons in H.R. 6436, is important in the production of several crops extensively grown in New York. As examples, the nematocides and defoliant can be cited. The golden nematode has taken potatoes out of production in parts of Suffolk County, N.Y. Nematode-infested land cannot again be used for potato production until the nematodes have been eradicated. Certain registered nematocides are now in use on parts of this area and it is hoped that more effective economic poisons soon will be developed for this purpose. Birdsfoot trefoil, an important new leguminous forage plant, would be more widely adopted if seed could be economically produced in greater quantity. The plant matures its seed while a considerable amount of green foliage still remains on the stems making threshing of the seed a difficult and inefficient process. Current tests indicate that chemical defoliant might be developed that would remove all green foliage from the plants when the seed pods are ready for harvest and threshing.

Since H.R. 6436 would promote more prompt registration of nematocides, plant regulators, defoliants, and desiccants, and since these materials are, or are rapidly becoming highly important in the production of many crops in New York, the New York State College of Agriculture believes that this proposed amendment is in the best interests of New York agriculture.

We also believe that the provisions of H.R. 6436 are well taken in that they designate the U.S. Department of Agriculture as the agency responsible for appraising the usefulness of new economic poisons to agriculture and assign to the U.S. Food and Drug Administration the determination of the safety of these materials to the public health.

In discussing the provisions of H.R. 6436 with staff members in the several plant science departments at the New York State College of Agriculture, and with representatives of the chemicals industry in the Northeast, I have found no one who opposes them.

The CHAIRMAN. Thank you very much for appearing before our committee and giving us the benefit of your views.

Mr. SCHWARDT. Thank you.

The CHAIRMAN. Our next witness is C. H. Van Middlelem, from the Department of Food Technology and Nutrition, Florida Agricultural Experiment Stations, University of Florida, Gainesville, Fla.

We shall be glad to hear from you now.

**STATEMENT OF C. H. VAN MIDDELEM, ASSOCIATE BIOCHEMIST,
DEPARTMENT OF FOOD TECHNOLOGY AND NUTRITION, FLORIDA
AGRICULTURAL EXPERIMENT STATIONS, UNIVERSITY OF
FLORIDA, GAINESVILLE, FLA.**

Mr. VAN MIDDELEM. Mr. Chairman, and members of the committee, my name is C. H. Van Middlelem. I am employed as a biochemist by the Florida Agricultural Experiment Station at Gainesville, Fla. I have been selected to speak for the agricultural interests of Florida at the request of the Florida steering committee which represents Florida's fruit and vegetable industries in matters relating to pesticides.

All interested agricultural groups in Florida, including grower organizations, the pesticide industry group, State control officials, and experiment station personnel are unanimously in favor of the proposed legislation under discussion, H.R. 6436. We feel that nematocides, plant regulators, defoliants, and desiccants should logically be covered by the Federal Insecticide, Fungicide, and Rodenticide Act. We also feel that any residues of the chemicals in or on raw agricultural commodities should be regulated under the Miller pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act.

The use of all of these four categories of chemicals under discussion are presently important to Florida agriculture. Nematocides have had widespread acceptance in Florida during the past few years. As time goes by, the control of nematodes will become increasingly important to Florida. Some of the nematocides have shown promising control not only of nematodes but of certain soil-borne insects. However, since the chemicals are classed as nematocides, they cannot presently be used for this dual control and be covered by tolerances under the Miller amendment. We believe it desirable that all agricultural uses of a chemical be regulated in a uniform manner.

The use of plant regulators, defoliants, and desiccants are at present not as widely used commercially in Florida as nematocides but considerable field research is in progress. Once the effect of these chemicals is more thoroughly investigated, large-scale commercial acceptance will be just a matter of time.

Growers are resorting more and more to the practice of applying their disease and insect control chemicals simultaneously to cut down labor costs. Consequently, in the near future, it is quite conceivable that combinations of insecticides and nematocides or combinations of fungicides and plant regulators might be applied simultaneously. All of these agricultural chemicals should, therefore, be placed under the same regulations.

All interested agricultural groups in Florida have had firsthand knowledge of the operation of the Federal Insecticide Act and the Miller amendment. We feel that the four classes of agricultural chemicals covered by the bill, namely nematocides, plant regulators, defoliants, and desiccants, can most efficiently be controlled under an expanded Federal Insecticide, Fungicide, and Rodenticide Act.

We would like to express our appreciation for the opportunity of appearing before this committee and presenting our views pertaining to this bill.

The CHAIRMAN. Thank you very much.

Mr. MIDDELEM. Thank you.

The CHAIRMAN. We appreciate very much your appearance.

Our next witness is Mr. John C. Datt, of the American Farm Bureau Federation.

We shall be very glad to hear from you now.

**STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION,
PRESENTED BY JOHN C. DATT, ASSISTANT TO THE DIRECTOR,
WASHINGTON OFFICE, AMERICAN FARM BUREAU FEDERATION**

Mr. DATT. Mr. Chairman and members of the committee, in recent years the importance of agricultural chemicals have increased as far as farmers are concerned. The use of agricultural chemicals in the production and marketing of farm products has now become virtually a necessity. These chemicals are important to farmers because of their role in reducing production costs and in providing a higher quality product to consumers.

The Farm Bureau has for many years been interested in legislation that would provide for the proper and safe uses of agricultural chemicals by farmers, and at the same time assure that the public health would be adequately protected. We supported the enactment of the Federal Insecticide, Fungicide, and Rodenticide Act in 1947.

The Farm Bureau took an active part in the development and passage of the Miller pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act. We also were quite interested in the food additives amendments enacted last year. Farmers have a vital stake in any such legislation that affects their use of agricultural chemicals.

H.R. 6436, as we understand it, would amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to extend its coverage to nematocides, plant regulators, defoliants, and desiccants. It would provide the same type of effective regulation over these products in

the U.S. Department of Agriculture as now exists under the act for insecticides, fungicides, weed killers, and other agricultural pest control chemicals.

These products are used for various purposes, such as to control nematodes in crop-producing land, to kill potato vines, to defoliate cotton, and to prevent sprouting of onions in storage. These are some of the uses of these agricultural chemicals, but it indicates their importance to agricultural producers.

The proposed amendment to the Federal Insecticide, Fungicide, and Rodenticide Act, as embodied in H.R. 6436, would place primary responsibility for the regulation of nematocides, plant regulators, defoliants, and desiccants, including determinations of their usefulness, proper use, and labeling, in the Department of Agriculture, while leaving the question of safety of any residue in or on raw agricultural commodities in the Food and Drug Administration under the pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act. This, we believe, is the proper division of authority and responsibility.

We believe that the Department of Agriculture with an established unit, the Pesticides Regulation Branch, already staffed for administering the Federal Insecticide, Fungicide, and Rodenticide Act and with a reservoir of other trained agricultural scientists available for consultation and advice should be able to regulate much more economically the four categories of agricultural chemicals included in the proposed amendment to the Federal Insecticide, Fungicide, and Rodenticide Act than the Food and Drug Administration which presently has no such unit or staff of agricultural experts.

We believe that this will provide for a better and more sound administration of the law, avoid duplication of effort on the part of various Government agencies, and be of real benefit to agricultural producers. It is important and desirable that all the uses of various agricultural chemicals should be regulated in a uniform manner by the Federal Government.

The Farm Bureau supports the passage of H.R. 6436 and urges its immediate enactment.

The opportunity to present our views on this legislation is appreciated.

The CHAIRMAN. Thank you.

I will add that Congressman Cooley, Secretary Benson, and the American Farm Bureau Federation are all together on one thing. [Laughter.]

Mr. DATT. Thank you.

The CHAIRMAN. Our next witness is Mr. Bernard J. Imming, secretary of the United Fresh Fruit & Vegetable Association.

We shall be glad to hear from you now.

STATEMENT OF BERNARD J. IMMING, UNITED FRESH FRUIT & VEGETABLE ASSOCIATION, WASHINGTON, D.C.

Mr. IMMING. Mr. Chairman and members of the committee, my name is Bernard J. Imming. I am the secretary of the United Fresh Fruit & Vegetable Association, a nonprofit national trade association representing growers, shippers, and wholesale distributors of fresh fruits and vegetables, with headquarters at 777 14th Street NW., Washington, D.C.

I appreciate this opportunity to testify in support of H.R. 6436 on behalf of my own organization. In addition, I am authorized to speak for the International Apple Association and the National Apple Institute, both with headquarters in Washington, D.C. The clerk of the committee has been notified of these authorizations by the organizations concerned.

We endorse H.R. 6436, and urge that you consider it favorable so that it may be enacted into law promptly. The agricultural chemicals which are the subject of H.R. 6436 are extremely important to agriculture, especially to the growers and shippers of fresh fruits and vegetables. The chemicals to which I refer are commonly known and referred to as defoliants, desiccants, plant regulators, and nematocides. H.R. 6436 would extend coverage of the Federal Insecticide, Fungicide and Rodenticide Act to include these relatively new classes of chemicals which have been developed and put into such widespread commercial use since 1947.

In our industry, for example, the tiny worms called nematodes are a serious problem in the production of many crops, including citrus fruits. Their effective control depends on the use of nematocides. Plant regulators, as defined in H.R. 6436, are widely used in our industry, too. For instance, 2, 4, 5-trichlorophenoxypropionic acid is used on apples to inhibit fruit drop or to hasten maturity, naphthaleneacetamide and naphthaleneacetic acid thin blossoms of deciduous fruits or are applied to set fruit, and maleic hydrazide is used on potato plants to inhibit sprouting of the tubers during storage. There are many other plant regulators used effectively to produce at lower cost better quality fresh fruits and vegetables for the consumers of the Nation.

A common use in our industry of a desiccant as defined in H.R. 6436 is the application of sodium arsenite to kill tops of potato plants to facilitate harvesting of the tubers.

It is our belief these new classes of agricultural chemicals should be regulated at the Federal level under the Federal Insecticide, Fungicide, and Rodenticide Act. Experience has demonstrated that regulation of agricultural pest control chemicals under the act has been effective and beneficial to farmers and growers. There is every reason to believe that regulation thereunder of the chemicals which are the subject of the bill under consideration would be equally effective and desirable. The U.S. Department of Agriculture logically is the best qualified to appreciate the needs of producers of fresh fruits and vegetables and to regulate the uses of chemicals used in agricultural production.

The fact is that these products are now regulated under some State laws which correspond to the Federal Insecticide, Fungicide, and Rodenticide Act, and we understand that some State officials whose laws are patterned after the Federal statute would understandably welcome the amendments which H.R. 6436 would make to the Federal statute.

Placing these new chemicals under the Federal Insecticide Act would assure their adequate labeling, registration, and regulation. Clear directions for all uses of a chemical would be required in its labeling—in other words, the same requirements would apply to defoliants, desiccants, and plant regulators as now apply to agricultural chemicals which are used for pest control purposes.

If these new chemicals are not included under the Federal Insecticide Act through the passage of H.R. 6436, their use in agricultural production is subject to the food additives amendment to the Federal Food, Drug, and Cosmetic Act passed by the 85th Congress. In either situation, the Food and Drug Administration has the necessary and desirable control wherever residues of the chemicals may occur in or on raw agricultural commodities in interstate commerce. Passage of H.R. 6436 would mean only that the agricultural uses of these new classes of chemicals would be governed by the U.S. Department of Agriculture, where the scientific knowledge, staff, and control machinery exists.

Placing defoliant, desiccant, plant regulators, and nematocides under the Federal Insecticide Act through the passage of H.R. 6436 would effectively, though indirectly, place them under the so-called Miller pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act, insofar as residues in or on raw agricultural commodities may be involved. This is true because of the interrelationship of the two acts.

In summary, the chemicals which are the subject of H.R. 6436 are important and necessary to the efficient production of high quality fresh fruits and vegetables. It is desirable and important that they should be regulated as are other chemical products used for agricultural purposes. The proposed legislation in no way would affect the strict regulation by the Food and Drug Administration of any residues of these chemical substances which may occur in raw agricultural commodities.

Again, I urge prompt approval and passage of H.R. 6436.

The CHAIRMAN. Thank you very much.

Mr. IMMING. Thank you.

The CHAIRMAN. Now I would like to recognize Mr. Heimbarger, who has a communication to present.

Mr. HEIMBURGER. We have from the Department of Health, Education, and Welfare, pursuant to your request, a favorable report on this bill, and the Food and Drug Administration, of course, is in that Department. Some of the legislation involved here affects the Food and Drug Administration.

They do suggest one amendment, and with your permission I will read it.

The CHAIRMAN. Without objection, I should like the letter to go into the record at this point, and you give us now a brief summary of the letter.

(The letter is as follows:)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request of May 13, 1959, to the Commissioner of Food and Drugs for a report on H.R. 6436, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliant, and desiccant, and for other purposes.

The bill would amend the definition of the term "economic poison" in the Federal Insecticide, Fungicide, and Rodenticide Act so that nematocides, plant regulators, defoliant, and desiccant would be regarded as economic poisons for the purpose of that act. This automatically would classify these chemicals, with respect to residues thereof on raw agricultural commodities, as "pesticide chemicals" and exclude them from the term "food additive" for the purposes of the

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Federal Food, Drug, and Cosmetic Act, and thus would require tolerances for the residues on food crops to be established under the pesticide chemicals amendment of that act (sec. 408) rather than under the food additives amendment of 1958 (sec. 409).

We defer to the views of the Department of Agriculture insofar as the effect of the bill upon the Insecticide, Fungicide, and Rodenticide Act, which that Department administers, is concerned.

Subject to modification of the transitional provisions of the bill, discussed below, we see no objection to the bill from the standpoint of the Food, Drug, and Cosmetic Act which this Department administers, since, as above indicated, the permanent effect of the bill would be to require safe tolerances for the four groups of agricultural chemicals named in the title to be established under the pesticide chemicals amendment rather than the food additives amendment. Both laws require adequate scientific proof of safety. Indeed, from our viewpoint, some advantage would be gained by having the Secretary of Agriculture certify the usefulness of these chemicals to us, as he is called upon to do under the pesticide chemicals amendment to our act.

We believe, however, that the transitional provisions (sec. 3) of the bill are in need of modification insofar as they pertain to our act.

Section 3(b) would, for a period of time which could extend to as late as March 5, 1961, prevent any of these chemicals which were commercially used before January 1, 1958, from being considered adulterated under the pesticide chemicals amendment to our act when not in conformity with the requirements of that amendment. This transitional period parallels the transitional period during which, under present law, these chemicals need not conform to the pretesting requirements of the food additives amendment. However, unlike the transitional provisions of the food additives amendment (Public Law 85-929, sec. 6(c)), the bill fails to preserve, during this transitional period, the application of the adulteration provisions of the earlier law under which food bearing residues of added chemicals, if they are poisonous or deleterious substances, would be deemed adulterated unless these chemicals are required in production and meet such tolerance limitations, if any, as we may establish for them.

If enacted in its present form, this section would thus create a loophole in the consumer protection now available under the pure food law. For a period that could extend to March 5, 1961, it would make it more difficult, if not impossible, for this Department to safeguard the public in case crops were marketed with excessive residues of certain nematocides, plant regulators, defoliants, or desiccants. This loophole, which we believe was not intended to be created, could be closed by revising section 3(b) of the bill to read as stated in the proposed substitute enclosed herewith.

With the substitution of the enclosed language, we would have no objection to the enactment of this bill.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

_____, *Secretary.*

PROPOSED SUBSTITUTE FOR SECTION 3(b) OF H.R. 6436

“(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, section 406(a) and clause (2) of section 402(a) of the Federal Food, Drug, and Cosmetic Act as in force prior to the date of enactment of the Act of July 22, 1954, 68 Stat. 511 (relating to pesticide chemicals on raw agricultural commodities) shall apply until—

(1) March 5, 1960 or the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) becomes effective,
whichever date first occurs.”

Mr. HEIMBURGER. They refer to section 3(b) of H.R. 6436 and say that—

If enacted in its present form, this section would then create a loophole in the consumer protection now available under the pure food law. For a period that could extend to March 5, 1961, it would make it more difficult, if not impossible, for this Department to safeguard the public in case crops were marketed with excessive residues of certain nematocides, plant regulators, defoliant or desiccants. This loophole, which we believe was not intended to be created, could be closed by revising Section 3(b) of the bill to read as stated in the proposed substitute enclosed herewith.

With the substitution of the enclosed language, we would have no objection to the enactment of this bill.

And they include, as they have indicated, a letter, Mr. Chairman, of some proposed new language for section 3(b) of the bill.

The CHAIRMAN. Please read the proposed substitution.

Mr. HEIMBURGER (reading):

PROPOSED SUBSTITUTION FOR SECTION 3(b) OF H.R. 6436

(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, Section 406(a) and Clause (2) of Section 402(a) of the Federal Food, Drug, and Cosmetic Act as in force prior to the date of enactment of the Act of July 22, 1954, 68 Stat. 511 (relating to pesticide chemicals on raw agricultural commodities) shall apply until—

(1) March 5, 1960, or the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to such was under Section 408 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 348) becomes effective, whichever date first occurs.

My understanding is that this merely keeps an effective regulatory authority of the Food and Drug Act until such time as it is actually supplanted by the new authority created in the Department of Agriculture to regulate the use of these materials.

The CHAIRMAN. You have heard Mr. Heimburger's statement. Is there anyone in the room opposed to the suggestion contained in that communication?

Apparently not, so without objection the bill will be amended as suggested in that communication. That is, if there is no objection the amendment will be adopted.

Is there anyone here from the National Cotton Council? I have already inserted in the record a communication from officials of that organization, so I assume that is all the Cotton Council proposes to submit.

Is there anyone else who would like to testify in favor of or in opposition to the bill?

I now ask unanimous consent to include in the record at this point such communications as we have received relating to the bill.

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(The communications are as follows:)

WESTERN AGRICULTURAL CHEMICALS ASSOCIATION,
San Jose, Calif., May 14, 1959.

To the CHAIRMAN,
House Committee on Agriculture,
Washington, D.C.

DEAR SIR: Western Agricultural Chemicals Association, a trade association of basic manufacturers and formulators of pesticides, desires to go on record as favoring passage of H.R. 6436, the bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act.

Yours truly,

C. O. BARNARD,
Executive Secretary.

EASTERN STATES FARMERS' EXCHANGE, INC.,
West Springfield, Mass., May 14, 1959.

HON. HAROLD D. COOLEY,
House of Representatives,
Washington, D.C.

DEAR MR. COOLEY: We understand that Senate bill 1900, introduced by Senators Aiken and Holland, and H.R. 6436 introduced by you, are scheduled for hearing in the near future. We understand these bills propose to remove certain agricultural chemicals, classified as defoliants, dessicants, growth regulators, and nematocides, from the Food Additives Act and place them under the Federal Insecticide, Fungicide, and Rodenticide Act as amended by Public Law 518.

This organization wishes to go on record in support of Senate bill 1900 and H.R. 6436.

Eastern States, through its Agricultural Chemicals Service, distributes over 150 registered formulations of pesticides to more than 100,000 farmer members in the Northeast. We are fully cognizant to the general nature of chemical defoliants, dessicants, growth regulators, and nematocides, the uses to which they are put, the methods by which they are applied, and the responsibility we share in assuring that these materials are used safely as well as effectively. Also, we have had long and varied experience in drafting labels for pesticides to meet the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, and, more recently, of Public Law 518.

We believe that the logical place for regulation of these classes of agricultural chemicals is under the Insecticide, Fungicide, and Rodenticide Act and that the best interests of the general public, the farmers, and the industry will be served thereby.

Sincerely yours,

W. D. MILSOP, *General Manager.*

The CHAIRMAN. We will go into executive session at this time.

(Whereupon, at 11:50 a.m., the committee proceeded into executive session.)

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Silas B. Hays, Surgeon General, Department of the Army; E. E. Ferebee, Office of Vocational Rehabilitation, and Chester B. Lund, Office of the Secretary, both of the Department of HEW, both of whom suggested amendments to the bill; E. B. Whitten, National Rehabilitation Association; Donald E. Lee, Chief of the Lands Division, and Frank E. Harrison, both of the National Park Service, Interior Department, who suggested amendments to the bill; and Curtis A. Roos, Public Buildings Service, Randolph M. Jackson, Real Property Division, and Robert Davis, Office of the Administrator, all of the GSA.

Hearings were adjourned subject to call of the Chair.

LAWS AFFECTING THE ICC

Committee on Interstate and Foreign Commerce: The Surface Transportation Subcommittee held hearings to receive testimony from officials of the Interstate Commerce Commission with regard to the administration of laws affecting ICC functions passed by the Congress within the last 2 years. Witnesses heard were Kenneth H. Tuggle, Chairman, and Richard F. Mitchell, John H. Winchell, and Howard G. Freas, members, and other ICC representatives.

CIVIL RIGHTS

Committee on the Judiciary: Continuing its hearings on pending civil rights proposals, the Constitutional Rights Subcommittee had as its witnesses Representatives Rivers of South Carolina and Whitten; and Bruce Bennett, attorney general, State of Arkansas.

Hearings continue tomorrow.

CONSTITUTIONAL AMENDMENT—SCHOOLS

Committee on the Judiciary: Subcommittee on Constitutional Amendments concluded its hearings on S.J. Res. 32, proposing an amendment to the Constitution reserving to the States exclusive control over public schools, with testimony from Senator Stennis.

It was announced that the record would remain open for several days for the inclusion of additional written material.

PRICE INCREASES

Committee on the Judiciary: The Antitrust and Monopoly Subcommittee concluded its hearings on S. 215, to require advance notice of price increases, after hearing testimony from John W. Gwynne, Chairman, and William C. Kern, and Edward T. Tait, both members, all of the Federal Trade Commission.

Hearings adjourned subject to call of the Chair.

House of Representatives

Chamber Action

Bills Introduced: 31 public bills, H.R. 7313-7343; 5 private bills, H.R. 7344-7348; and 12 resolutions, H.J. Res. 397, H. Con. Res. 177-184, and H. Res. 270-272, were introduced.

Pages 7973, 7981-7982

Bills Reported: Reports were filed as follows:

Disposition of executive papers (H. Rept. 371);

H.R. 6435, relative to disposition upon the death of a Member of the House of Representatives of amounts held for him in the trust fund account in the Office of the Sergeant at Arms, and of other amounts due such Member, amended (H. Rept. 372);

H.R. 3735, relative to equalizing retirement pay of former policemen, firemen, White House Police, and Secret Service personnel, and their dependents, amended (H. Rept. 373);

H. Res. 270, authorizing the employment of an additional assistant in the office of the attending physician, U.S. Congress (H. Rept. 374);

H. Res. 271, specifying salary rates for various employees of House of Representatives (H. Rept. 375); and

H.R. 7343, making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for fiscal year 1960 (H. Rept. 376).

Pages 7980-7981

Flood Prevention: Received and read a letter from the chairman of the Committee on Agriculture announcing

the approval of work plans in connection with the following projects:

Little Paint Creek, Ala.;

Big Park, Iowa;

Jennings Creek, Tenn.; and

American Fork-Dry Creek, Utah.

The message and papers were referred to the Committee on Appropriations.

Page 7927

President's Message—Science Fair: Received and read a message from the President transmitting plan for U.S. participation in the World Science Pan-Pacific Exposition to be held at Seattle, Wash., in 1961. The message and accompanying papers were referred to the Committee on Foreign Affairs.

Page 7928

Housing: The House by a record vote of 261 yeas to 160 nays passed S. 57, Housing Act of 1959, after adopting the committee substitute amendment which replaced the Senate-approved language. House agreed to insist on its amendment; to request a conference with the Senate; and appointed as conferees Representatives Spence, Brown of Georgia, Patman, Rains, McDonough, Widdall, and Bass of New Hampshire. A motion to recommend the bill and insert the provisions of H.R. 7117 for the text of the committee substitute amendment was rejected by a record vote of 189 yeas to 233 nays. A request for a separate vote on the Thomas amendment to require direct congressional appropriation of funds in

lieu of present Treasury authorization method of financing resulted in its adoption by a record vote of 222 yeas to 201 nays.

During today's session amendments were adopted that provided for—

Certain public disclosure of statistics by redevelopers of urban renewal areas;

Including hotels and transient housing in urban renewal programs;

New text for "urban planning" section;

Deletion of Wherry housing acquisition provisions under "Armed Services Housing" section;

Extension of repayment period by 5 years on GI insured housing loans.

Rejected amendments that sought to—

Provide payments for business goodwill lost in relocating business in urban renewal programs;

Delete title VI, low-rent public housing;

Limit, in cities of 1 million or more persons, the erection of public housing units to areas acquired through urban renewal programs;

Make interest on public housing bonds taxable; and

Write in congressional intent that there should be no discrimination in selection of occupants of public housing on grounds of race, color, or creed. Pages 7928-7971

Legislative Program: The legislative program for the week of May 25 was announced by the majority leader.

Page 7954

House Employees: Adopted the following two resolutions relating to employees of the House of Representatives:

H. Res. 270, authorizing the employment of an additional assistant in the office of the attending physician, U.S. Congress; and

H. Res. 271, specifying salary rates for various employees of House of Representatives. Page 7973

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of May 27. Page 7973

Committee Resignation: Received, read, and accepted letter of resignation of Representative Levering from membership on the Committee on Post Office and Civil Service. Page 7975

Bills Referred: 46 Senate-passed bills were referred to appropriate committees. Pages 7979-7980

Quorum Call and Record Votes: During the proceedings of the House today one quorum call and three record votes developed and they appear on pages 7928, 7963, 7970, and 7970-7971.

Program for Monday: Adjourned at 5:49 p.m. until Monday, May 25, at 12 o'clock noon, when the House will consider H.R. 7176, general government matters appropriation bill for 1960, and H.R. 7343, the Departments of State and Justice, and the Judiciary appropriation bill for 1960.

Committee Meetings

WHEAT

Committee on Agriculture: Met in executive session and ordered favorably reported to the House a clean bill H.R. 7246 (amended and in lieu of H.R. 7118), to provide that the acreage allotment reduction of wheat shall be 25 percent) and price supports shall be 90 percent of parity, and for other purposes.

The committee also ordered favorably reported H.R. 6436 (amended), to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants.

WHERRY HOUSING PROGRAM

Committee on Armed Services: Subcommittee on Acquisition of Wherry Housing heard John Arrington, Chief of Family Housing, Office of Secretary of Defense, with respect to progress made to date in the Government's acquisition of certain Wherry housing projects. A public witness was also heard. Hearings continue tomorrow.

FEDERAL RESERVE BANKS

Committee on Banking and Currency: Met in executive session and ordered favorably reported to the House S. 1120 (amended), to amend section 19 of the Federal Reserve Act with respect to the reserves required to be maintained by member banks of the Federal Reserve System against deposits.

JUVENILE DELINQUENCY CONTROL

Committee on Education and Labor: Subcommittee on Special Education ordered favorably reported to the full committee with amendments H.R. 3464, Juvenile Delinquency Control Projects Act (a clean bill will be introduced in lieu thereof).

LABOR-MANAGEMENT REFORM

Committee on Education and Labor: Subcommittee on Labor-Management Reform Legislation continued hearings on H.R. 4473 and related bills. Public witnesses were heard and hearings resume on Tuesday, May 26.

MUTUAL SECURITY EXTENSION

Committee on Foreign Affairs: Continued executive markup on legislation relative to the extension of the Mutual Security Act. Such sessions resume on Monday, May 25.

INTERIOR COMMITTEE MISCELLANY

Committee on Interior and Insular Affairs: Subcommittee on Territorial and Insular Affairs ordered favorably reported to the full committee the following bills:

H.R. 3608, to acquire certain land on the island of Guam; and

8. WHEAT. The Agriculture Committee voted to report a wheat bill, H. R. 7246 (amended and in lieu of H. R. 7118). As amended, the bill is the same as the summary in Digest 81, item 24, except that the acreage-allotment reduction would be 25% instead of 30%. p. D382
9. PLANT INDUSTRY. The Agriculture Committee voted to report with amendment H. R. 6436, to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants. p. D382
10. SMALL BUSINESS. Rep. Patman inserted the current proposals for congressional action from the Small Business Association of New England, including a recommendation that "Small Business Administration have representation in Government procurement agencies." pp. 7973-5
11. TRANSPORTATION; FOREST PRODUCTS. Rep. Porter stated that the "supply of freight cars is expected to fall 40% short of the needs of the lumber industry in the Northwest before the year is ended," and inserted an editorial urging Congress to have ICC take appropriate action to remedy the situation. pp. 7975-8
12. LEGISLATIVE PROGRAM. Rep. McCormack stated on Mon., May 25, the House would consider the general government matters appropriation bill for 1960, followed by the State-Judiciary Departments appropriation bill, and on Thursday, the Commerce Department appropriation bill, and in the middle of the week, the following bills if rules are reported out: H. R. 5140, to extend the Reorganization Act of 1949; H. R. 7246, a wheat quota and price support bill; H. R. 5752, a Federal employees legal holidays bill; H. R. 7086, to extend the Renegotiation Act of 1951; H. R. 3160, the water pollution bill; and H. R. 4532, a grain feed price support bill. p. 7954
13. ADJOURNED until Mon., May 25. p. 7980

ITEMS IN APPENDIX

14. RECLAMATION. Sen. Humphrey inserted an address by Gov. Steve McNichols, Colo., opposing the administration's "no-new-starts" reclamation policy and stating that this policy "impairs the economic strength of the entire country ..." pp. A4265-7
15. CHEESE. Extension of remarks of Sen. Wiley citing the importance of direct mail advertising to gift cheese shippers and inserting a report, "Wisconsin Cheese Sold By Mail Provides Important Markets." p. A4276
16. STATEHOOD. Sen. Nueberger commended and inserted an article, "Alaska: Eagle State." pp. A4287-8
Rep. Rivers inserted Rep. O'Brien's speech discussing his interests and efforts toward statehood for Alaska. pp. A4301-2
Rep. Multer inserted an article, "The Happy State of Hawaii." pp. A4316-7
17. FOREST RESEARCH. Sen. Wiley inserted a letter from the secretary-manager of the Northern Hemlock and Hardwood Manufacturing Assoc., favoring additional funds for research on forest blight and disease. pp. A4288-9
18. CONSERVATION RESERVE. Rep. Jensen inserted a letter from the Administrator, Soil Conservation Service, refuting as "misleading and unfounded," a newspaper article charging that a SCS employee in N. Mex., had rented State-owned lands and placed them in the conservation reserve program at a profit. p. A4290

19. WHEAT. Rep. Marshall inserted correspondence between Rep. Wier and a constituent discussing the need for enacting "a sound and reasonable wheat bill." pp. A4294-5
Rep. Breeding inserted a resolution of a group of wheat farmers favoring 100 percent of parity if wheat acreage is cut 20 to 30%. p. A4310
20. CENTENNIAL CELEBRATION. Rep. Johnson, Colo., inserted an article discussing the proposed centennial celebration of the establishment of USDA and the land grant colleges, and favoring a centennial celebration during 1962 of the Homestead Act. p. A4310
21. SURPLUS COMMODITIES. Rep. Broomfield inserted two newspaper articles discussing food surpluses, "Our \$9 Billion Headache," and "'Little Farm' Plan Helps Rich Instead." pp. 4317-8

BILLS INTRODUCED

22. LANDS. S. 2033, by Sen. Bible (for himself and Sen. Cannon), to amend the mining laws of the United States to provide for the inclusion of certain non-mineral lands in patents to placer claims; to Interior and Insular Affairs Committee.
H. Con. Res. 177, 178, 179, 180, 181, 182, 183, and 184, by Representatives Aspinall, Baring, Edmondson, Frost, Powell, Rogers, Tex., Saylor, and Ullman, declaring the sense of Congress on the depressed domestic mining and mineral industries affecting public and other land; to Interior and Insular Affairs Committee.
23. GUAM; VIRGIN ISLANDS. S. 2024, by Sen. Murray, to provide for a Resident Commissioner from Guam and a Resident Commissioner from the Virgin Islands; to Interior and Insular Affairs Committee.
24. INTERGOVERNMENTAL RELATIONS. S. 2026, by Sen. Muskie (for himself and others), to establish an Advisory Commission on Intergovernmental Relations; to Government Operations Committee. Remarks of Sen. Muskie. pp. 7851-3
25. WILDLIFE. S. 2030, by Sen. Neuberger, to require the use of humane methods of trapping animals and birds on lands and waterways under the jurisdiction of the United States; to Interior and Insular Affairs Committee. Remarks of author. pp. 7853-4
26. COUNTRY LIFE. S. 2031 by Sen. Humphrey (for himself and Sen. Young, Ohio, to establish a Commission on Country Life; to Agriculture and Forestry Committee. Remarks of Sen. Humphrey. p. 7854
27. TAXATION. S. 2034, by Sen. Bible, to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, to provide that certain additional specified officers of the executive branch of the Federal Government shall be exempt from such act: to District of Columbia Committee.
28. DISEASES. H. R. 7317, by Rep. Fisher, to provide greater protection against the introduction and dissemination of diseases of livestock and poultry; to Agriculture Committee.
29. FARM LOANS. H. R. 7319, by Rep. McIntire, to extend section 17 of the Bankhead-Jones Farm Tenant Act for 2 years; to Agriculture Committee.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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For actions of June 16, 1959
86th-1st, No. 99

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HIGHLIGHTS: House subcommittee voted to report bill to require State contributions to feed and seed costs in disaster areas. House debated mutual security authorization bill. Senate committee reported Commerce appropriation bill. Rep. Brown, Mo., introduced and discussed bill to provide emergency relief to family farm poultry and egg producers.

HOUSE

- 1. DISASTER RELIEF.** The Livestock and Feed Grains Subcommittee of the Agriculture Committee voted to report to the full committee with amendment H. R. 6861, to provide for a specific contribution by State governments to the cost of feed or seed furnished to farmers, ranchers, or stockmen in disaster areas. p. D485
- 2. MUTUAL SECURITY.** Concluded general debate on H. R. 7500, to extend the mutual security program. pp. 9862-9906
- 3. WHEAT.** The "Daily Digest" states that "Conferees met in executive session to resolve the differences between the Senate- and House-passed versions of S. 1968, to strengthen the wheat marketing quota and price support program, but did not reach final agreement, and will meet again tomorrow." p. D486
- 4. RESEARCH.** The Agriculture Committee reported with amendment H. R. 6436, to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants (H. Rept. 552). p. 9916

5. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 968, to provide for the construction by Interior of the Bully Creek Dam and other facilities, Vale Federal reclamation project, Ore. (H. Rept. 553). p. 9916

6. PUBLIC DEBT. The Ways and Means Committee reported without amendment H. R. 7749, to provide for an increase in the public debt limit (H. Rept. 556). p. 9916

Rep. Zelenko criticized the administration proposal to increase the public debt limit and the interest rates on Government bonds as "inflationary," and urged a "freeze of commercial interest rates on mortgages and loans for a period of at least 5 years." pp. 9909-10

SENATE

7. DEFENSE APPROPRIATION BILL FOR 1960. The Appropriations Committee reported with amendments this bill, H. R. 7349 (S. Rept. 397). p. 9922

8. LEGISLATIVE APPROPRIATION BILL FOR 1960. The Appropriations Committee reported with amendments this bill, H. R. 7453 (S. Rept. 398). p. 9922

9. RESEARCH. Sen. Neuberger stated that "the need to provide Federal funds adequate to insure development of new methods for producing better crops more efficiently and protecting existing strains from disease and natural hazard has been strongly impressed upon me," expressed satisfaction concerning Senate action on ARS appropriations, made reference to soil and water conservation research recommendations submitted by USDA, and inserted several items on the subject. pp. 9960-2

Received from this Department a report on the State Agricultural Experiment Stations, 1958. p. 9919

10. TRANSPORTATION. The Interstate and Foreign Commerce Committee reported with amendments S. 1509, to amend the Interstate Commerce Act to provide "grandfather" rights (preference rights for carriers in operation in the past) for certain motor carriers and freight forwarders operating in interstate or foreign commerce within Alaska and between Alaska and the other States and for certain water carriers operating within Alaska (S. Rept. 399). p. 9922

11. CONTRACTS. The Finance Committee voted to report (but did not actually report) with amendments H. R. 7086, to extend the Renegotiation Act of 1951. p. D484

12. RECLAMATION; MINERALS. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendments two bills: S. 281, authorizing construction of a regulating reservoir at the Burns Creek site in the Upper Snake River Valley, Idaho; and S. 1285, to provide for the development of the domestic fluorspar industry, including barter under Public Law 480. p. D484

13. WATERSHEDS. Received from the Ohio Legislature a resolution urging Congress to take action to assure the continuance of surveys and planning of flood prevention and water and soil conservation projects in Ohio, and to make funds available to SCS and other agencies for this purpose. p. 9920

14. PAYMENTS IN LIEU OF TAXES. Received from the Maryland Senate and House resolutions urging favorable action on S. 910, to authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property and to create a Board to study this problem. pp. 9920-1

AMENDING THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT TO INCLUDE NEMATOCIDES, PLANT REGULATORS, DEFOLIANTS, AND DESICCANTS

JUNE 16, 1959.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the
following

R E P O R T

[To accompany H.R. 6436]

The Committee on Agriculture, to whom was referred the bill (H.R. 6436) to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out entire section 3(b), page 7, line 21, through page 8, line 14, and substitute therefor the following:

(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, section 406(a) and clause (2) of section 402(a) of the Federal Food, Drug, and Cosmetic Act as in force prior to the date of enactment of the Act of July 22, 1954, 68 Stat. 511 (relating to pesticide chemicals on raw agricultural commodities) shall apply until—

(1) March 5, 1960 or the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) becomes effective, whichever date first occurs.

PURPOSE OF THE BILL

The purpose of this bill is to provide for the proper regulation of nematocides, plant regulators, defoliants, and desiccants which have become of great importance to agriculture and related interests during the last 10 years.

Nematocides are used to control very small worms known as nematodes or eelworms, many of which attack plants. Defoliants are used to make leaves drop from plants, generally to permit mechanical harvesting. Desiccants are used to hasten the drying of plant tissues, usually to facilitate harvesting or improve crop quality. Plant regulators are used to modify the normal growth processes of plants or the produce thereof, for such purposes as to prevent fruit drop, to hasten maturity, and to delay sprouting in storage. The products are defined in more precise technical terms in the bill.

The effect of the bill is to subject the aforementioned products to the same regulatory controls and requirements under the Federal Insecticide, Fungicide, and Rodenticide Act as are now applicable to insecticides, fungicides, weed killers, and rodenticides. By placing these products under that act, the bill would also effectively, although indirectly, place them under the pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act (Public Law 518, 83d Cong.), insofar as residues in or on raw agricultural commodities may be involved, because of the interrelationship of the two acts.

The bill would accomplish its objective of placing nematocides, plant regulators, defoliants, and desiccants under the Federal Insecticide, Fungicide, and Rodenticide Act by expanding the present definition of "economic poison" in that act to include these products. It would also amend certain other definitions in the act and add some additional ones, as necessitated by the broader coverage. However, it does not change the substantive provisions of the act as they relate to presently regulated products.

The bill would become effective upon enactment and thus permit the Department of Agriculture to begin the registration of the newly regulated products, as required by the Federal Insecticide, Fungicide, and Rodenticide Act, and also permit the Department of Health, Education, and Welfare to establish tolerances for them on raw agricultural commodities under section 408 of the Federal Food, Drug, and Cosmetic Act. However, in order to permit an orderly transition period for both the Government and the industry, provision is made to defer the applicability of certain sections of those two acts to some of these products until March 5, 1960, or such later date or dates, not beyond March 5, 1961, as the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, respectively, may prescribe on the basis of a determination that such postponement is necessary to avoid hardships and will not be unduly detrimental to the public interest. These dates have been specified so as to have the fully effective dates under this bill coincide with those under the food additives amendment to the Federal Food, Drug, and Cosmetic Act

(Public Law 85-929). Since some products which would be affected by this bill are also subject to the food additives amendment, it has appeared desirable that the two become fully effective at the same time.

BACKGROUND

The original Federal Insecticide Act was passed in 1910. The present Federal Insecticide, Fungicide, and Rodenticide Act was enacted in 1947 to reflect the then current situation as regards pest control chemicals and agricultural practices. It regulates the labeling and marketing of insecticides, fungicides, herbicides, and rodenticides which are collectively referred to in the act as "economic poisons," and commonly known as pesticides.

Since 1947, several new types of agricultural chemicals have been developed and have found widespread commercial application. These new products are generally referred to and are designated in this bill as nematocides, defoliant, desiccants, and plant regulators. While these products are now regulated under some State laws which correspond to the Federal Insecticide, Fungicide, and Rodenticide Act, they are not regulated under the latter statute. Because of the importance of these products to the agricultural interests of this Nation, various organizations and groups have expressed the opinion that they should be subject to similar regulation at the Federal level.

Experience has shown that regulation of agricultural pest control chemicals under the Federal Insecticide, Fungicide, and Rodenticide Act has been effective and beneficial to farmers and growers. Accordingly, it appears desirable that the same type of regulation, under the same act, should be applied to these more recently developed products.

HEARING

A hearing was held by the full committee on this bill. At the hearing, representatives from the Department of Agriculture, land-grant colleges, the Association of American Pesticide Control Officials, Inc., farm and grower organizations, and the agricultural chemical industry appeared and testified unanimously in favor of the bill and urged its enactment.

COMMITTEE AMENDMENT

In addition to placing nematocides, plant regulators, defoliant, and desiccants under the Federal Insecticide, Fungicide, and Rodenticide Act, the bill also makes residues of such chemicals in or on raw agricultural commodities subject to the pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act. The bill, as introduced, provided that that amendment would not be applicable to some of the chemicals for a period of time to be specified by the Secretary of Health, Education, and Welfare, but not extending beyond March 5, 1961. The committee amendment, adopted upon the recommendation of the Department of Health, Education, and Welfare, provides that during this transitional period, the adulteration provisions of the earlier law shall be applicable for the purpose of protecting the public health.

DEPARTMENTAL REPORTS

Reports recommending enactment of H.R. 6436 were received from both the Department of Agriculture and the Department of Health, Education, and Welfare. In connection with the estimates of cost in the report of the Department of Agriculture, it is to be noted that many of the products are now scheduled for regulation by the Food and Drug Administration under the provisions of the food additives amendment, so that transfer of their regulation to the Department of Agriculture under terms of this bill will be in part a transfer of administrative cost. Thus the estimates of administrative cost made by the Department of Agriculture are not all new or additional costs.

The amendment recommended by the Department of Health, Education, and Welfare was adopted by the committee.

MAY 21, 1959.

Hon. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR CONGRESSMAN COOLEY: This is in reply to your request of April 16 for a report on H.R. 6436, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

This Department supports the purposes of the bill and recommends its enactment.

The bill would amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to bring within the provisions of that law four new classes of chemicals. These classes are nematocides, plant regulators, defoliants, and desiccants.

Our reasons for making the above recommendation are as follows:

(1) The new classes of chemicals which would be brought within the Federal Insecticide, Fungicide, and Rodenticide Act are characteristically agricultural chemicals. The regulation of their use would provide the same protection to farmers and others using them as is now provided users of products subject to the present act.

(2) These materials have developed into significant agricultural usage since the Federal Insecticide, Fungicide, and Rodenticide Act was enacted in 1947. Thus, their inclusion within the provisions of that law appears warranted now on the basis of their vastly increased commercial usage.

(3) It is in the interest of uniformity in the regulation of agricultural chemicals to have nematocides, plant regulators, defoliants, and desiccants subject to the same requirements as are insecticides, fungicides, and herbicides.

(4) Many State pesticide statutes presently regulate these materials. The bill would bring them under Federal jurisdiction and would promote uniformity in Federal-State pesticide regulation.

It is estimated that \$350,000 would be required to administer the provisions of H.R. 6436.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

E. T. BENSON.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
May 20, 1959.

HON. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request of May 13, 1959, to the Commissioner of Food and Drugs for a report on H.R. 6436, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

The bill would amend the definition of the term "economic poison" in the Federal Insecticide, Fungicide, and Rodenticide Act so that nematocides, plant regulators, defoliants, and desiccants would be regarded as economic poisons for the purpose of that act. This automatically would classify these chemicals, with respect to residues thereof on raw agricultural commodities, as "pesticide chemicals" and exclude them from the term "food additive" for the purposes of the Federal Food, Drug, and Cosmetic Act, and thus would require tolerances for the residues on food crops to be established under the pesticide chemicals amendment of that act (sec. 408) rather than under the Food Additives Amendment of 1958 (sec. 409).

We defer to the views of the Department of Agriculture insofar as the effect of the bill upon the Insecticide, Fungicide, and Rodenticide Act, which that Department administers, is concerned.

Subject to modification of the transitional provisions of the bill, discussed below, we see no objection to the bill from the standpoint of the Food, Drug, and Cosmetic Act which this Department administers, since, as above indicated, the permanent effect of the bill would be to require safe tolerances for the four groups of agricultural chemicals named in the title to be established under the pesticide chemicals amendment rather than the food additives amendment. Both laws require adequate scientific proof of safety. Indeed, from our viewpoint, some advantage would be gained by having the Secretary of Agriculture certify the usefulness of these chemicals to us, as he is called upon to do under the pesticide chemicals amendment to our act.

We believe, however, that the transitional provisions (sec. 3) of the bill are in need of modification insofar as they pertain to our act.

Section 3(b) would, for a period of time which could extend to as late as March 5, 1961, prevent any of these chemicals which were commercially used before January 1, 1958, from being considered adulterated under the pesticide chemicals amendment to our act when not in conformity with the requirements of that amendment. This transitional period parallels the transitional period during which, under present law, these chemicals need not conform to the pretesting requirements of the food additives amendment. However, unlike the transitional provisions of the food additives amendment (Public Law 85-929, sec. 6(c)), the bill fails to preserve, during this transitional period, the application of the adulteration provisions of the earlier law under which food-bearing residues of added chemicals, if they are poisonous or deleterious substances, would be deemed adulterated unless these chemicals are required in production and meet such tolerance limitations, if any, as we may establish for them.

If enacted in its present form, this section would thus create a loophole in the consumer protection now available under the pure

food law. For a period that could extend to March 5, 1961, it would make it more difficult, if not impossible, for this Department to safeguard the public in case crops were marketed with excessive residues of certain nematocides, plant regulators, defoliants, or desiccants. This loophole, which we believe was not intended to be created, could be closed by revising section 3(b) of the bill to read as stated in the proposed substitute enclosed herewith.

With the substitution of the enclosed language, we would have no objection to the enactment of this bill.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

ELLIOT L. RICHARDSON,
Assistant Secretary.

PROPOSED SUBSTITUTE FOR SECTION 3(b) OF H.R. 6436

“(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, section 406(a) and clause (2) of section 402(a) of the Federal Food, Drug, and Cosmetic Act as in force prior to the date of enactment of the Act of July 22, 1954, 68 Stat. 511 (relating to pesticide chemicals on raw agricultural commodities) shall apply until—

(1) March 5, 1960 or the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) becomes effective,
whichever date first occurs.”

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

AN ACT To regulate the marketing of economic poisons and devices, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

TITLE

SECTION 1. This Act may be cited as the "Federal Insecticide, Fungicide, and Rodenticide Act."

DEFINITIONS

SEC. 2. For the purposes of this Act—

a. The term "economic poison" means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, *nematodes*, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Secretary shall declare to be a pest [.] and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

b. The term "device" means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi, *nematodes*, or such other pests as may be designated by the Secretary, but not including equipment used for the application of economic poisons when sold separately therefrom.

c. The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever.

d. The term "fungicide" means any substance or mixture of substance intended for preventing, destroying, repelling, or mitigating any fungi.

e. The term "rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the Secretary shall declare to be a pest.

f. The term "herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

g. The term "nematocide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating *nematodes*.

h. The term "plant regulator" means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

i. The term "defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

j. The term "desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

k. The term "nematode" means invertebrate animals of the phylum *nemathelminthes* and class *nematoda*, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called *nemas* or *eelworms*.

[g.] *l.* The term "weed" means any plant which grows where not wanted.

[h.] *m.* The term "insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class *insecta*, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

[i.] *n.* The term "fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

[j.] *o.* The term "ingredient statement" means either—

(1) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison; or

(2) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the economic poison (except option 1 shall apply if the preparation is highly toxic to man, determined as provided in section 6 of this Act);

and, in addition to (1) or (2) in case the economic poison contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

[k.] *p.* The term "active ingredient" means—

(1) *in the case of an economic poison other than a plant regulator, defoliant or desiccant*, an ingredient which will prevent, destroy, repel, or mitigate insects, *nematodes*, fungi, rodents, weeds, or other pests[.];

(2) *in the case of a plant regulator*, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

(3) *in the case of a defoliant*, an ingredient which will cause the leaves or foilage to drop from a plant;

(4) *in the case of a desiccant*, an ingredient which will artificially accelerate the drying of plant tissue.

[l.] *q.* The term "inert ingredient" means an ingredient which is not active.

[m.] *r.* The term "antidote" means a practical immediate treatment in case of poisoning and includes first-aid treatment.

[n.] *s.* The term "person" means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

[o.] *t.* The term "Territory" means any Territory or possession of the United States, excluding the Canal Zone.

[p.] *u.* The term "Secretary" means the Secretary of Agriculture.

[q.] *v.* The term "registrant" means the person registering any economic poison pursuant to the provisions of this Act.

[r.] *w.* The term "label" means the written, printed, or graphic matter on, or attached to, the economic poison or device or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the economic poison or device.

[s.] *x.* The term "labeling" means all labels and other written, printed, or graphic matter—

(1) upon the economic poison or device or any of its containers or wrappers;

(2) accompanying the economic poison or device at any time;

(3) to which reference is made on the label or in literature accompanying the economic poison or device, except to current official publications of the United States Departments of Agriculture and Interior, the United States Public Health Service, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of economic poisons;

[t.] *y.* The term "adulterated" shall apply to any economic poison if its strength or purity falls below the professed standard or quality as expressed on its labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

z. The term "misbranded" shall apply—

(1) to any economic poison or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) to any economic poison—

(a) if it is an imitation of or is offered for sale under the name of another economic poison;

(b) if its labeling bears any reference to registration under this Act;

(c) if the labeling accompanying it does not contain directions for use which are necessary and if complied with adequate for the protection of the public;

(d) if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals;

(e) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase: *Provided*, That the Secretary may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

“(f) if any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or

(g) if in the case of an insecticide, *nematocide*, fungicide, or herbicide when used as directed or in accordance with commonly recognized practice it shall be injurious to living man or other vertebrate animals, or vegetation, except weeds, to which it is applied, or to the person applying such economic poison [.] ; or

(h) *if in the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such economic poison: Provided, That physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.*





86TH CONGRESS
1ST SESSION

H. R. 6436

[Report No. 552]

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1959

Mr. COOLEY introduced the following bill; which was referred to the Committee on Agriculture

JUNE 16, 1959

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That this Act may be cited as the "Nematocide, Plant Regu-
4 lator, Defoliant, and Desiccant Amendment of 1959".

5 SEC. 2. (A) The Federal Insecticide, Fungicide, and
6 Rodenticide Act (61 Stat. 163; 7 U.S.C. 135-135k) is
7 amended so that sections 2a and 2b read as follows:

8 "a. The term 'economic poison' means (1) any sub-
9 stance or mixture of substances intended for preventing,
10 destroying, repelling, or mitigating any insects, rodents,

1 nematodes, fungi, weeds, and other forms of plant or animal
2 life or viruses, except viruses on or in living man or other
3 animals, which the Secretary shall declare to be a pest, and
4 (2) any substance or mixture of substances intended for use
5 as a plant regulator, defoliant or desiccant.

6 "b. The term 'device' means any instrument or contriv-
7 ance intended for trapping, destroying, repelling, or miti-
8 gating insects or rodents or destroying, repelling, or miti-
9 gating fungi, nematodes, or such other pests as may be des-
10 ignated by the Secretary, but not including equipment used
11 for the application of economic poisons when sold sepa-
12 rately therefrom."

13 (B) Section 2 of such Act is further amended by re-
14 designating subsections g through u to be subsections l
15 through z respectively; and by adding new subsections g,
16 h, i, j, and k, and amending new subsections p and z, to read
17 respectively as follows:

18 "g. The term 'nematocide' means any substance or mix-
19 ture of substances intended for preventing, destroying, re-
20 pelling, or mitigating nematodes.

21 "h. The term 'plant regulator' means any substance or
22 mixture of substances, intended through physiological action,
23 for accelerating or retarding the rate of growth or rate of
24 maturation, or for otherwise altering the behavior of orna-
25 mental or crop plants or the produce thereof, but shall not

1 include substances to the extent that they are intended as
2 plant nutrients, trace elements, nutritional chemicals, plant
3 inoculants, and soil amendments.

4 "i. The term 'defoliant' means any substance or mixture
5 of substances intended for causing the leaves or foliage to
6 drop from a plant, with or without causing abscission.

7 "j. The term 'desiccant' means any substance or mix-
8 ture of substances intended for artificially accelerating the
9 drying of plant tissue.

10 "k. The term 'nematode' means invertebrate animals of
11 the phylum nemathelminthes and class nematoda, that is,
12 unsegmented round worms with elongated, fusiform, or sac-
13 like bodies covered with cuticle, and inhabiting soil, water,
14 plants or plant parts; may also be called nemas or eelworms.

15 "p. The term 'active ingredient' means—

16 "(1) in the case of an economic poison other than
17 a plant regulator, defoliant or desiccant, an ingredient
18 which will prevent, destroy, repel, or mitigate insects,
19 nematodes, fungi, rodents, weeds, or other pests;

20 "(2) in the case of a plant regulator, an ingredient
21 which, through physiological action, will accelerate or
22 retard the rate of growth or rate of maturation or other-
23 wise alter the behavior of ornamental or crop plants or
24 the produce thereof;

1 “(3) in the case of a defoliant, an ingredient which
2 will cause the leaves or foliage to drop from a plant;”

3 “(4) in the case of a desiccant, an ingredient which
4 will artificially accelerate the drying of plant tissue.

5 “z. The term ‘misbranded’ shall apply—

6 “(1) to any economic poison or device if its labeling
7 bears any statement, design, or graphic representation
8 relative thereto or to its ingredients which is false or
9 misleading in any particular;

10 “(2) to any economic poison—

11 “(a) if it is an imitation of or is offered for sale
12 under the name of another economic poison;

13 “(b) if its labeling bears any reference to registra-
14 tion under this Act;

15 “(c) if the labeling accompanying it does not
16 contain directions for use which are necessary and if
17 complied with adequate for the protection of the
18 public;

19 “(d) if the label does not contain a warning or
20 caution statement which may be necessary and if
21 complied with adequate to prevent injury to living
22 man and other vertebrate animals, vegetation, and
23 useful invertebrate animals;

24 “(e) if the label does not bear an ingredient
25 statement on that part of the immediate container

1 and on the outside container or wrapper, if there be
2 one, through which the ingredient statement on the
3 immediate container cannot be clearly read, of the
4 retail package which is presented or displayed un-
5 der customary conditions of purchase: *Provided*,
6 That the Secretary may permit the ingredient state-
7 ment to appear prominently on some other part of
8 the container, if the size or form of the container
9 makes it impracticable to place it on the part of the
10 retail package which is presented or displayed un-
11 der customary conditions of purchase;

12 “(f) if any word, statement, or other informa-
13 tion required by or under authority of this Act to
14 appear on the label or labeling is not prominently
15 placed thereon with such conspicuousness (as com-
16 pared with other words, statements, designs, or
17 graphic matter in the labeling) and in such terms as
18 to render it likely to be read and understood by the
19 ordinary individual under customary conditions of
20 purchase and use; or

21 “(g) if in the case of an insecticide, nemato-
22 cide, fungicide, or herbicide when used as directed
23 or in accordance with commonly recognized prac-
24 tice it shall be injurious to living man or other ver-

tebrate animals, or vegetation, except weeds, to which it is applied, or to the person applying such economic poison; or

“(h) if in the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such economic poison: *Provided*, That physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.”

SEC. 3. This Act shall take effect on the date of its enactment, except that—

(a) with respect to any nematocide, plant regulator, defoliant, or desiccant which was marketed commercially prior to the date of enactment and whose use does not result in residues of same remaining in or on a food, and with respect to any nematocide, plant regulator, defoliant, or desiccant whose use does result in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, section

3, "Prohibited Acts"; section 8, "Penalties"; section 9, "Seizures"; and section 10, "Imports", of the Federal Insecticide, Fungicide, and Rodenticide Act, which this Act amends, shall not be applicable until—

(1) March 5, 1960, or such later date, not beyond March 5, 1961, as the Secretary of Agriculture may prescribe on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships, or

(2) the date on which a registration for such use is issued under the Federal Insecticide, Fungicide, and Rodenticide Act, whichever date first occurs; and

~~(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant, if such use was made of such substance before January 1, 1958, clause (2)-(B) of section 402(a) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 342), shall not apply until—~~

~~(1) March 5, 1960, or at the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such exten-~~

sion involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 348), becomes effective, whichever date first occurs.

(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, section 406(a) and clause (2) of section 402(a) of the Federal Food, Drug, and Cosmetic Act as in force prior to the date of the enactment of the Act of July 22, 1954 (68 Stat. 511) (relating to pesticide chemicals on raw agricultural commodities) shall apply until—

(1) March 5, 1960, or the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to

1 *such was under section 408 of the Federal Food,*
2 *Drug, and Cosmetic Act (21 U.S.C. 348) becomes*
3 *effective,*
4 *whichever date first occurs.*

80TH CONGRESS
1ST SESSION

H. R. 6436

[Report No. 552]

A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

By Mr. COOLEY

APRIL 15, 1969

Referred to the Committee on Agriculture

JUNE 16, 1959

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

defoliant, or desiccant, if such use was made of such substance before January 1, 1958, clause (2)(B) of section 402(a) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 342), shall not apply until—

(1) March 5, 1960, or at the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 348), becomes effective, whichever date first occurs.

With the following committee amendment:

Strike out entire section 3(b), page 7, line 21, through page 8, line 14, and substitute therefor the following:

"(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, section 406(a) and clause (2) of section 402(a) of the Federal Food, Drug, and Cosmetic Act as in force prior to the date of enactment of the Act of July 22, 1954, 68 Stat. 511 (relating to pesticide chemicals on raw agricultural commodities) shall apply until—

"(1) March 5, 1960, or the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

"(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) becomes effective, whichever date first occurs."

Mr. ALBERT. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT to the committee amendment: Page 9, line 1, strike out "was" and insert in lieu thereof "use."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING PUBLIC LAW 85-818

The Clerk called the bill (H.R. 6500) to amend Public Law 85-818.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

CARIBOU AND TARGHEE NATIONAL FORESTS

The Clerk called the bill (H.R. 3682) to permit the processing of certain applications under the Small Tracts Act for

lands included in the Caribou and Targhee National Forests.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4, subsection (a), of the Act of August 14, 1958 (72 Stat. 607, 608), is hereby amended by substituting a comma for the period at the end thereof and adding the following: "nor to prejudice the sale or lease by the Secretary of the Interior of lands for which application under the Act of June 1, 1938 (52 Stat. 609), as amended, was pending on March 28, 1957."

SEC. 2. Section 1 of this Act shall be effective as of the date of the Act which it amends.

SEC. 3. The intent of the Congress in enacting this Act is that the applications under the Act of June 1, 1938, which were pending in the Department of the Interior on March 28, 1957, shall be granted or rejected, in whole or in part, on the basis of the same standards which would have been applied in granting or rejecting them had the Act of August 14, 1958, not been enacted.

With the following committee amendments:

Page 1, lines 6 to 9, strike out the material in quotation marks and insert in lieu thereof the following: "nor to prejudice the sale or lease by the Secretary of the Interior under the Act of June 1, 1938 (52 Stat. 609), as amended, of lands for which applications under that Act were pending on March 28, 1957, and of one additional tract, not exceeding five acres, in either the south half of the northwest quarter of the northeast quarter of the northwest quarter, or the north half of the northeast quarter of the northwest quarter of the northwest quarter, both of section 17, township 2 south, range 46 east, Boise Meridian, if application for such additional tract be made not later than July 1, 1960, by an applicant whose application under R.S. 2455, as amended (43 U.S.C. 1171) for lands within the west half of the said section 17 was pending on March 28, 1957."

Page 2, lines 4 to 6, strike out the words: "under the Act of June 1, 1938, which were pending in the Department of the Interior on March 28, 1957," and insert in lieu thereof the words "identified in the amendment to section 4 of the Act of August 14, 1958, which is made by section 1 of this Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOUISIANA-VICKSBURG BRIDGE COMMISSION

The Clerk called the bill (H.R. 1074) to repeal the act of August 9, 1939, creating the Louisiana-Vicksburg Bridge Commission.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act creating the Louisiana-Vicksburg Bridge Commission; defining the authority, power, and duties of said commission; and authorizing said commission and its successors and assigns to purchase, maintain, and operate a bridge across the Mississippi River at or near Delta Point, Louis-

iana, and Vicksburg, Mississippi", approved August 9, 1939 (53 Stat. 1267), is hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADMISSION OF VETERANS TO LOW RENT HOUSING

The Clerk called the bill (H.R. 4468) to amend the United States Housing Act of 1937 to extend the period during which families of veterans and servicemen may be admitted to public housing without regard to the general requirement that they be displacees or previous residents of substandard housing.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in section 15(8)(b) of the United States Housing Act of 1937 is amended by striking out "March 1, 1959" and inserting in lieu thereof "March 1, 1964".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

USE OF SURPLUS GRAINS TO PREVENT WATERFOWL DEPREDATIONS

The Clerk called the bill (H.R. 7631) to amend the act of July 3, 1956 (70 Stat. 492), entitled "An act to authorize the Secretary of the Interior to cooperate with Federal and non-Federal agencies in the prevention of waterfowl depredations.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

INSURANCE COVERAGE UNDER TITLE IV OF THE NATIONAL HOUSING ACT

The Clerk called the bill (H.R. 7789) to amend paragraph (b) of section 401 of the National Housing Act, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (b) of section 401 of the National Housing Act, as amended (12 U.S.C. 1724(b)), is hereby amended by adding thereto at the end thereof the following new sentence: "Notwithstanding any other provision of law, two persons who are husband and wife shall have, with respect to accounts in an insured institution which are community property of such husband and wife and to the extent that such accounts are community property, not to exceed \$10,000 of insurance with respect to such an account or accounts in the sole name of the husband, not to exceed \$10,000 of insurance with respect to such an account or accounts in the sole name of the wife, and not to exceed \$10,000 of insurance with respect to such an account or accounts

in the sole name of both: *Provided*, That in no event shall this sentence increase to an amount which is greater than the total of the amounts hereinbefore set forth in this sentence, the aggregate of the insurance which such husband and wife may have under this title with respect to (1) any account or accounts in such institution in the sole name of either of them or in the sole names of both, and (2) any other account or accounts in such institution to the extent that such other account or accounts would, in the absence of this sentence, be required to be included in determining the amount of the individual insurance of such husband or of such wife under subsection (a) of section 405."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

UNIFORM POSTAL REQUIREMENTS RELATING TO DISCLOSURE OF AVERAGE NUMBERS OF COPIES OF CERTAIN PUBLICATIONS

The Clerk called the bill (H.R. 6830) to provide for uniformity of application of certain postal requirements with respect to disclosure of the average numbers of copies of publications sold or distributed to paid subscribers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 2 of the Act of August 24, 1912 (37 Stat. 553), as amended (39 U.S.C. 233), is amended to read as follows:

"The editor, publisher, business manager, or owner of a publication entered as second-class mail shall file with the Postmaster General and publish in the second issue thereafter of the publication to which it relates a sworn statement on forms furnished by the Postmaster General on or before the first day of October of each year setting forth—

"(1) the names and post office addresses of the editor and managing editor, publisher, business managers, and owners;

"(2) the name of the corporation and the stockholders thereof if the publication is owned by a corporation;

"(3) the names of known bondholders, mortgagees, or other security holders; and

"(4) the average number of copies of each issue of the publication sold or distributed through the mails or otherwise distributed to paid subscribers during the preceding 12 months.

The sworn statement need not include the names of persons owning less than 1 per centum of the total amount of stock, bonds, mortgages, or other securities. The Postmaster General shall deny the privilege of second-class mail to a publication which fails to comply with the provisions of this paragraph within ten days after notice by registered mail of the failure. This paragraph is not applicable to religious, fraternal, temperance, scientific, or similar publications.

"Editorial or other reading matter contained in publications entered as second-class mail and for the publication of which a valuable consideration is paid, accepted, or promised shall be marked plainly 'advertisement' by the publisher. Whoever, being an editor or publisher, prints in a publication entered as second-class mail editorial or other reading matter for which he has been paid or promised a valuable con-

sideration, without plainly marking the same 'advertisement', shall be fined not more than \$500."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VALIDATING AND CONFIRMING A CONTRACT ENTERED INTO BETWEEN THE UNITED STATES AND THE TOWN OF BRIDGEPORT, WASH.

The Clerk called the bill (H.R. 802) to validate and confirm a contract entered into between the United States and the town of Bridgeport, Wash.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the contract numbered DA-45-108-ENG-565, entered into on June 15, 1950, between the town of Bridgeport, Washington, and the Corps of Engineers, Department of the Army, on behalf of the United States, in which the United States agreed to pay for certain municipal services furnished by the town of Bridgeport, Washington, is hereby validated and confirmed as of June 15, 1950.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING TITLE 28, "JUDICIARY AND JUDICIAL PROCEDURE"

The Clerk called the bill (H.R. 7577) to amend title 28, entitled "Judiciary and Judicial Procedure," of the United States Code to provide for the defense of suits against Federal Employees arising out of their operation of motor vehicles in the scope of their employment.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2619 of title 28, United States Code, is amended (1) by inserting the subsection symbol "(a)" at the beginning thereof and (2) by adding immediately following such subsection (a) as hereby so designated, four new subsections as follows:

"(b) The remedy by suit against the United States as provided by section 1346(b) of this title for damage to property or for personal injury, including death, resulting from the operation by any employee of the Government of any motor vehicle while acting within the scope of his office or employment, shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or his estate whose act or omission gave rise to the claim.

"(c) The Attorney General shall defend any civil action or proceeding brought in any court against any employee of the Government or his estate for any such damage or injury. The employee against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or an attested true copy thereof to his immediate superior or to whomever was designated by the head of his department to

receive such papers and such person shall promptly furnish copies of the pleadings and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought to the Attorney General, and to the head of his employing Federal agency.

"(d) Any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceedings deemed a tort action brought against the United States under the provisions of this title and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (b) of this section is not available against the United States, the case shall be remanded to the State court.

"(e) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677, and with the same effect."

SEC. 2. The amendments made by this Act shall be deemed to be in effect six months after the enactment hereof but any rights or liabilities then existing shall not be affected.

With the following committee amendment:

Page 2, line 14, strike out "of knowledge or" and insert in lieu thereof "or knowledge of."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill to amend title 28, entitled 'Judiciary and Judicial Procedure', of the United States Code to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment, and for other purposes."

A motion to reconsider was laid on the table.

PROVIDING FOR THE ENTRY OF CERTAIN RELATIVES OF U.S. CITIZENS AND LAWFULLY RESIDENT ALIENS

The Clerk called the bill (H.R. 5896) to provide for the entry of certain relatives of U.S. citizens and lawfully resident aliens.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(a)(2) of the Immigration and Nationality Act (66 Stat. 178) is hereby amended by striking out the period and adding the following: "or who are the unmarried sons or daughters of citizens of the United States".

SEC. 2. Section 203(a)(3) of the Immigration and Nationality Act (66 Stat. 178) is hereby amended by striking out the word "children" and substituting in lieu thereof "unmarried sons or daughters".

SEC. 3. The second sentence of paragraph 4 of section 203(a) of the Immigration and Nationality Act (66 Stat. 178-179) is hereby amended to read: "Qualified quota immigrants of each quota area who are the brothers or sisters, or the married sons or married

S. 96 will remove these oversea teachers from their existing burdensome and unsuitable personnel and compensation system and place them in a true teaching category on a basis comparable to the conditions which apply to teachers in public school systems in the United States.

So far as concerns compensation, the pay of the oversea teachers will continue to be fixed at appropriate levels by the administrative authorities concerned, but in no event will exceed the compensation for teaching positions of comparable responsibility in the District of Columbia school system. Representatives of the Department of Defense testified that in practice the pay rates for oversea teachers in many instances will be lower than those in the District of Columbia.

I was particularly impressed by the spirit of dedication, as well as thorough knowledge of their work, exhibited by representatives of the oversea teachers who testified at our subcommittee hearings this year in support of this legislation. S. 96 is an important and necessary forward stride in strengthening the conduct of our vital oversea defense and economic commitments, and I am most gratified that the new teachers' program has been unanimously approved by the House of Representatives.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPENSATION OF VETERANS WHO DISAPPEAR

The Clerk called the bill (H.R. 255) to amend section 358 of title 38, United States Code, to provide for apportionment of compensation of veterans who disappear.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MULTIPLE SCLEROSIS WITHIN 3 YEARS AFTER SEPARATION

The Clerk called the bill (H.R. 267) to amend title 38 of the United States Code to provide that multiple sclerosis developing a 10 per centum or more degree of disability within 3 years after separation from active service shall be presumed to be service connected.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ADDITIONAL COMPENSATION FOR DEAFNESS OF BOTH EARS

The Clerk called the bill (H.R. 268) to amend title 38 of the United States Code to provide additional compensation for veterans having the service-incurred disability of deafness of both ears.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I take the time only to explain that the action taken by me on this and other bills is prompted by the fact that the Veterans' Administration is opposed to this bill and it is thus reported by the Committee on Veterans' Affairs.

Mr. Speaker, I withdraw my reservation of objection.

Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

INCREASING RATE OF PENSION TO MEDAL OF HONOR HOLDERS

The Clerk called the bill (H.R. 270) to amend title 38, United States Code, to increase the rate of special pension payable to certain persons awarded the Medal of Honor, and for other purposes.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PRESUMPTION OF SERVICE CONNECTION IN CASE OF HANSEN'S DISEASE

The Clerk called the bill (H.R. 271) to amend title 38 of the United States Code to provide a further period for presuming service connection in the case of veterans suffering from Hansen's disease—leprosy.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

INCREASED COMPENSATION FOR CERTAIN SERVICE-CONNECTED DISABLED VETERANS

The Clerk called the bill (H.R. 283) to amend section 314(k) of title 38, United States Code, to provide an increased statutory rate of compensation for veterans suffering the loss or loss of use of an eye in combination with the loss or loss of use of a limb.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EFFECTIVE DATE OF CERTAIN STATUTORY AWARDS

The Clerk called the bill (H.R. 5996) to provide that no application shall be required for the payment of statutory awards for certain conditions which, prior to August 1, 1952, have been deter-

mined by the Veterans' Administration to be service connected.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

BRIDGE ACROSS RIO GRANDE AT EL PASO, TEX.

The Clerk called the bill (H.R. 4538) authorizing El Paso County, Tex., to construct, maintain, and operate a bridge across the Rio Grande at or near the city of El Paso, Tex.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That El Paso County, Texas, is authorized to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande, so far as the United States has jurisdiction over such river, at a point suitable to the interests of navigation, at or near the city of El Paso, Texas, but east of the tract of land belonging to the Republic of Mexico known as "Cordova Island", in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to (1) the conditions and limitations contained in this Act, (2) the approval of the International Boundary and Water Commission, United States and Mexico, and (3) the approval of the proper authorities in the Republic of Mexico.

SEC. 2. El Paso County, Texas, may fix and charge tolls for transit over such bridge in accordance with any laws of the State of Texas or the United States applicable thereto, and the rates of toll so fixed shall be the legal rates until changed under the authority contained in the Act of March 23, 1906, referred to in the first section.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE JOHN W. FLANNAGAN DAM AND RESERVOIR, VA.

The Clerk called the bill (H.R. 109) to designate the dam and reservoir to be constructed on the Pound River near Bartlick, Dickenson County, Va., as the "John W. Flannagan Dam and Reservoir."

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dam and reservoir to be constructed on the Pound River near Bartlick, Dickenson County, Virginia, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1216; Public Law 761, Seventy-fifth Congress), shall be known and designated hereafter as the "John W. Flannagan Dam and Reservoir". Any law, regulation, map, document, record, or other paper of the United States in which such dam and reservoir are referred to shall be held to refer to such dam and reservoir as the "John W. Flannagan Dam and Reservoir".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VIRGINIA-WEST VIRGINIA BOUNDARY LINE

The Clerk called the bill (H.R. 7474) granting the consent of Congress to the compact entered into by the States of West Virginia and Virginia with respect to a certain part of the boundary between such States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the States of West Virginia and Virginia to the compact entered into by the laws of West Virginia (enrolled Senate bill Numbered 275, 1959, approved March 11, 1959) and by the laws of Virginia (chapter 44 of the Laws of Virginia, 1959, approved April 24, 1959) establishing the boundary between Monroe County, West Virginia, and Alleghany County, Virginia, as was agreed upon by the commissions appointed by such States and adopted by the respective legislatures.

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WATER FOR FISH HATCHERY, TABLE ROCK RESERVOIR, MO.

The Clerk called the bill (S. 42) to authorize the utilization of a limited amount of storage space in Table Rock Reservoir for the purpose of water supply for a fish hatchery.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Table Rock Reservoir project, White River, Missouri, approved by the Flood Control Act approved August 18, 1941, be hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to make available a maximum of twenty-seven thousand acre-feet of storage space in the reservoir to provide a regulated flow not to exceed twenty-two cubic feet per second for operation by the State of Missouri of a fish hatchery without reimbursement on such terms and conditions as the Secretary of the Army may deem reasonable: *Provided,* That nothing herein contained shall affect water rights under State law.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE INSECTICIDE ACT

The Clerk called the bill (H.R. 6436) to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959".

SEC. 2. (A) The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135-135k) is amended so that sections 2a and 2b read as follows:

"a. The term 'economic poison' means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Secretary shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

"b. The term 'device' means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi, nematodes, or such other pests as may be designated by the Secretary, but not including equipment used for the application of economic poisons when sold separately therefrom."

(B) Section 2 of such Act is further amended by redesignating subsections g through u to be subsections l through z respectively; and by adding new subsections g, h, i, j, and k, and amending new subsections p and z, to read respectively, as follows:

"g. The term 'nematocide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating nematodes.

"h. The term 'plant regulator' means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

"i. The term 'defoliant' means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

"j. The term 'desiccant' means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

"k. The term 'nematode' means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; many also be called nemas or eelworms.

"p. The term 'active ingredient' means—

"(1) in the case of an economic poison other than a plant regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests;

"(2) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

"(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

"(4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

"z. The term 'misbranded' shall apply—

"(1) to any economic poison or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

"(2) to any economic poison—

"(a) if it is an imitation of or is offered for sale under the the name of another economic poison;

"(b) if its labeling bears any reference to registration under this Act;

"(c) if the labeling accompanying it does not contain directions for use which are necessary and if complied with adequate for the protection of the public;

"(d) if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals;

"(e) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase: *Provided,* That the Secretary may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

"(f) if any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or—

"(g) if in the case of an insecticide, nematocide, fungicide, or herbicide when used as directed or in accordance with commonly recognized practice it shall be injurious to living man or other vertebrate animals, or vegetation, except weeds, to which it is applied, or to the person applying such economic poison; or

"(h) if in the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such economic poison: *Provided,* That physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations."

SEC. 3. This Act shall take effect on the date of its enactment, except that—

(a) with respect to any nematocide, plant regulator, defoliant, or desiccant which was marketed commercially prior to the date of enactment and whose use does not result in residues of same remaining in or on a food, and with respect to any nematocide, plant regulator, defoliant, or desiccant whose use does result in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, section 3, "Prohibited Acts"; section 8, "Penalties"; section 9, "Seizures"; and section 10, "Imports", of the Federal Insecticide, Fungicide, and Rodenticide Act, which this Act amends, shall not be applicable until—

(1) March 5, 1960, or such later date, not beyond March 5, 1961, as the Secretary of Agriculture may prescribe on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships, or

(2) the date on which a registration for such use is issued under the Federal Insecticide, Fungicide, and Rodenticide Act, whichever date first occurs; and

(b) with respect to any particular commercial use of a nematocide, plant regulator,

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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For actions of July 6, 1959
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HIGHLIGHTS: House debated resolution to disapprove Reorganization Plan 1 on forest land authorities. House committee reported bill to modify and enact the Plan. Senate debated mutual security authorization bill. Senate subcommittee voted to report public works appropriation bill. Rep. Johnson, Wis., introduced and discussed bill to transfer administration of School Lunch Act to HEW.

HOUSE

1. FORESTRY; REORGANIZATION. Began and concluded debate on H. Res. 295, to disapprove Reorganization Plan No. 1 of 1959 which would transfer from Interior to this Department certain authorities for the exchange or sale of forest land and timber (pp. 11603-09). A vote on the measure was postponed until today, July 7 (p. 11609).

The Government Operations Committee reported, on July 3, with amendment H. R. 7681, to enact the provisions of Reorganization Plan No. 1 with amendments (H. Rept. 633) (p. 11614). Rep. Brown, O., protested against the Committee reporting the bill without public hearings, and stated that he had checked with Agriculture, Interior, and the Budget Bureau, and had been informed that they had not been requested by the Committee to testify on the bill (pp. 11604-5). Rep. Dawson, Ill., stated that H. R. 7681 will be brought up for consideration at a later date (p. 11609).

Passed as reported H. R. 3682, to permit the processing of certain applications under the Small Tracts Act for lands included in the Caribou and Targhee National Forests by the act of August 14, 1958. p. 11577

2. RESEARCH. Passed with amendments H. R. 6436, to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants. pp. 11576-7

3. WILDLIFE; SURPLUS. GRAINS. Passed over, at the request of Rep. Pelly, H. R. 7631, to make permanent the act of July 3, 1956, authorizing Interior to requisition low-quality grain from CCC for use in the prevention of waterfowl depredations. p. 11577

4. PERSONNEL. Passed as reported H. R. 7577, to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment. p. 11578

Passed as reported H. R. 6059, to provide additional civilian positions in the Defense Department for scientific research and development. p. 11583

5. MONOPOLIES. Passed under suspension of the rules S. 726, to amend the Clayton Act so as to provide for the more expeditious enforcement of cease and desist orders issued under the act (pp. 11592-99). Rep. Celler stated that under the bill "Clayton Act cease and desist orders will become final and conclusive 60 days after issuance unless the respondent seeks judicial review. In the event that judicial review is sought, the cease and desist order will become final when affirmed by the court" (p. 11593). The "Daily Digest" states that the bill was passed with amendment (p. D569).

SENATE

6. MUTUAL SECURITY. Continued debate on S. 1451, the mutual security authorization bill for 1959. pp. 11539-47, 11548-65

7. PERSONNEL. Passed as reported H. R. 6134, to amend the Federal Employees Pay Act of 1945 to eliminate the authority to charge to certain current appropriations or allotments the gross amount of the salary earnings of Federal employees for certain pay periods occurring in part in previous fiscal years. p. 11529

Passed as reported S. 1495, to consolidate and revise the laws relating to employment of aliens in the several States and D. C. p. 11529

Passed over, at the request of Sen. Keating, S. 2162, to provide a health benefits program for Government employees. p. 11536

8. WATER; RECLAMATION. Passed over at the request of Sen. Keating S. 281, to authorize the Secretary of Interior to construct, operate, and maintain a re-regulating reservoir and other works at the Burns Creek site in the upper Snake River Valley, Idaho. pp. 11529-30

Received from the Illinois Legislature a resolution urging Congress to defend and preserve the water rights of the States and individuals. p. 11510

9. PUBLIC WORKS APPROPRIATION BILL FOR 1960. A subcommittee of the Appropriations Committee voted to report to the full committee this bill, H. R. 7509. p. D568

10. TRANSPORTATION. Passed as reported S. 1509, to amend the Interstate Commerce Act as amended to provide for "grandfather" rights (preference rights for certain carriers operating in the past) for certain motor carriers and freight forwarders in Alaska. pp. 11524-6

86TH CONGRESS
1ST SESSION

H. R. 6436

IN THE SENATE OF THE UNITED STATES

JULY 7, 1959

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Nematocide, Plant Regu-
4 lator, Defoliant, and Desiccant Amendment of 1959".

5 SEC. 2. (A) The Federal Insecticide, Fungicide, and
6 Rodenticide Act (61 Stat. 163; 7 U.S.C. 135-135k) is
7 amended so that sections 2a and 2b read as follows:

8 "a. The term 'economic poison' means (1) any sub-
9 stance or mixture of substances intended for preventing,
10 destroying, repelling, or mitigating any insects, rodents,

1 nematodes, fungi, weeds, and other forms of plant or animal
2 life or viruses, except viruses on or in living man or other
3 animals, which the Secretary shall declare to be a pest, and
4 (2) any substance or mixture of substances intended for use
5 as a plant regulator, defoliant or desiccant.

6 “b. The term ‘device’ means any instrument or contriv-
7 ance intended for trapping, destroying, repelling, or miti-
8 gating insects or rodents or destroying, repelling, or miti-
9 gating fungi, nematodes, or such other pests as may be des-
10 ignated by the Secretary, but not including equipment used
11 for the application of economic poisons when sold sepa-
12 rately therefrom.”

13 (B) Section 2 of such Act is further amended by re-
14 designating subsections g through u to be subsections l
15 through z respectively; and by adding new subsections g,
16 h, i, j, and k, and amending new subsections p and z, to read
17 respectively as follows:

18 “g. The term ‘nematocide’ means any substance or mix-
19 ture of substances intended for preventing, destroying, re-
20 pelling, or mitigating nematodes.

21 “h. The term ‘plant regulator’ means any substance or
22 mixture of substances, intended through physiological action,
23 for accelerating or retarding the rate of growth or rate of
24 maturation, or for otherwise altering the behavior of orna-
25 mental or crop plants or the produce thereof, but shall not

1 include substances to the extent that they are intended as
2 plant nutrients, trace elements, nutritional chemicals, plant
3 inoculants, and soil amendments.

4 “i. The term ‘defoliant’ means any substance or mixture
5 of substances intended for causing the leaves or foliage to
6 drop from a plant, with or without causing abscission.

7 “j. The term ‘desiccant’ means any substance or mix-
8 ture of substances intended for artificially accelerating the
9 drying of plant tissue.

10 “k. The term ‘nematode’ means invertebrate animals of
11 the phylum nemathelminthes and class nematoda, that is,
12 unsegmented round worms with elongated, fusiform, or sac-
13 like bodies covered with cuticle, and inhabiting soil, water,
14 plants or plant parts; may also be called nemas or eelworms.

15 “p. The term ‘active ingredient’ means—

16 “(1) in the case of an economic poison other than
17 a plant regulator, defoliant or desiccant, an ingredient
18 which will prevent, destroy, repel, or mitigate insects,
19 nematodes, fungi, rodents, weeds, or other pests;

20 “(2) in the case of a plant regulator, an ingredient
21 which, through physiological action, will accelerate or
22 retard the rate of growth or rate of maturation or other-
23 wise alter the behavior of ornamental or crop plants or
24 the produce thereof;

1 “(3) in the case of a defoliant, an ingredient which
2 will cause the leaves or foliage to drop from a plant;

3 “(4) in the case of a desiccant, an ingredient which
4 will artificially accelerate the drying of plant tissue.

5 “z. The term ‘misbranded’ shall apply—

6 “(1) to any economic poison or device if its labeling
7 bears any statement, design, or graphic representation
8 relative thereto or to its ingredients which is false or
9 misleading in any particular;

10 “(2) to any economic poison—

11 “(a) if it is an imitation of or is offered for sale
12 under the name of another economic poison;

13 “(b) if its labeling bears any reference to regis-
14 tration under this Act;

15 “(c) if the labeling accompanying it does not
16 contain directions for use which are necessary and if
17 complied with adequate for the protection of the
18 public;

19 “(d) if the label does not contain a warning or
20 caution statement which may be necessary and if
21 complied with adequate to prevent injury to living
22 man and other vertebrate animals, vegetation, and
23 useful invertebrate animals;

24 “(e) if the label does not bear an ingredient
25 statement on that part of the immediate container

1 and on the outside container or wrapper, if there be
2 one, through which the ingredient statement on the
3 immediate container cannot be clearly read, of the
4 retail package which is presented or displayed un-
5 der customary conditions of purchase: *Provided,*
6 That the Secretary may permit the ingredient state-
7 ment to appear prominently on some other part of
8 the container, if the size or form of the container
9 makes it impracticable to place it on the part of the
10 retail package which is presented or displayed un-
11 der customary conditions of purchase;

12 “(f) if any word, statement, or other informa-
13 tion required by or under authority of this Act to
14 appear on the label or labeling is not prominently
15 placed thereon with such conspicuousness (as com-
16 pared with other words, statements, designs, or
17 graphic matter in the labeling) and in such terms as
18 to render it likely to be read and understood by the
19 ordinary individual under customary conditions of
20 purchase and use; or

21 “(g) if in the case of an insecticide, nemato-
22 cide, fungicide, or herbicide when used as directed
23 or in accordance with commonly recognized prac-
24 tice it shall be injurious to living man or other ver-

1 tebrate animals, or vegetation, except weeds, to
2 which it is applied, or to the person applying such
3 economic poison; or

4 “(h) if in the case of a plant regulator, defoli-
5 ant, or desiccant when used as directed it shall be
6 injurious to living man or other vertebrate animals,
7 or vegetation to which it is applied, or to the person
8 applying such economic poison: *Provided*, That
9 physical or physiological effects on plants or parts
10 thereof shall not be deemed to be injury, when this is
11 the purpose for which the plant regulator, defoliant,
12 or desiccant was applied, in accordance with the
13 label claims and recommendations.”

14 SEC. 3. This Act shall take effect on the date of its
15 enactment, except that—

16 (a) with respect to any nematocide, plant regulator,
17 defoliant, or desiccant which was marketed commer-
18 cially prior to the date of enactment and whose use
19 does not result in residues of same remaining in or on
20 a food, and with respect to any nematocide, plant regu-
21 lator, defoliant, or desiccant whose use does result in
22 residue remaining in or on a food at the time of intro-
23 duction into interstate commerce and which use had
24 commercial application prior to January 1, 1958, section
25 3, “Prohibited Acts”; section 8, “Penalties”; section 9,

1 “Seizures”; and section 10, “Imports”, of the Federal
2 Insecticide, Fungicide, and Rodenticide Act, which this
3 Act amends, shall not be applicable until—

4 (1) March 5, 1960, or such later date, not be-
5 yond March 5, 1961, as the Secretary of Agricul-
6 ture may prescribe on the basis of a determination
7 that such action will not be unduly detrimental to
8 the public interest and is necessary to avoid hard-
9 ships, or

10 (2) the date on which a registration for such
11 use is issued under the Federal Insecticide, Fungi-
12 cide, and Rodenticide Act,

13 whichever date first occurs; and

14 (b) with respect to any particular commercial use
15 of a nematocide, plant regulator, defoliant, or desiccant
16 in or on a raw agricultural commodity, if such use was
17 made of such substance before January 1, 1958, sec-
18 tion 406 (a) and clause (2) of section 402 (a) of the
19 Federal Food, Drug, and Cosmetic Act as in force prior
20 to the date of the enactment of the Act of July 22, 1954
21 (68 Stat. 511) (relating to pesticide chemicals on raw
22 agricultural commodities) shall apply until—

23 (1) March 5, 1960, or the end of such addi-
24 tional period, not beyond March 5, 1961, as the
25 Secretary of Health, Education, and Welfare may

1 prescribe on the basis of a finding that such exten-
2 sion involves no undue risk to the public health and
3 that conditions exist which necessitate the prescrib-
4 ing of such an additional period, or

5 (2) the date on which an order with respect to
6 such use under section 408 of the Federal Food,
7 Drug, and Cosmetic Act (21 U.S.C. 348) becomes
8 effective,

9 whichever date first occurs.

Passed the House of Representatives July 6, 1959.

Attest:

RALPH R. ROBERTS,

Clerk.

86TH CONGRESS
1ST SESSION

H. R. 6436

AN ACT

To amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

JULY 7, 1959

Read twice and referred to the Committee on
Agriculture and Forestry

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: Senate committee reported International Wheat Agreement. Senate committee voted to report International Sugar Agreement. Senate committee voted to report bills to extend Public Law 480, to increase durum wheat allotments, and to make surplus cotton available to textile mills. Sens. Bush, Bennett, and Dirksen introduced and Sen. Bush discussed housing bill.

SENATE

1. The Foreign Relations Committee reported without reservation the new International Wheat Agreement (Exec. Rept. 5) (p. 12074).
2. SUGAR. The Foreign Relations Committee voted to report (but did not actually report) the new International Sugar Agreement. p. D603
3. THE AGRICULTURE AND FORESTRY COMMITTEE voted to report (but did not actually report) the following bills: p. D603
 - S. 1748, without amendment, to extend Public Law 480.
 - S. 314, without amendment, to direct the Secretary to make available to textile mills CCC surplus cotton at reduced prices.
 - S. 1232, with amendment, to provide for the establishment of an advisory committee to study and recommend to the Secretary increases in durum wheat allotments.

THE AGRICULTURE & FORESTRY COMMITTEE voted to report (but did not actually report). the follow ing bills:

~~S. 2133, without amendment, to make permanent the act of July 3, 1956, authorizing Interior to requisition low-quality grain from CCC to use in the prevention of waterfowl depredations.~~

~~S. 1453, without amendment, to authorize the Secretary to sell and convey a tract of land to Keosauqua, Iowa.~~

~~H. R. 306, without amendment, to permit the Crop Insurance Board to determine when there is sufficient demand for crop insurance in a county to warrant the program being established there.~~

~~H. R. 6436, with amendment, to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants.~~

~~S. 2014, with amendment, to amend the Capper-Volstead Act so as to provide for farmer association ownership of marketing facilities by exempting such associations from the anti-trust laws.~~

~~S. 669, with amendment to authorize the Secretary to convey a tract of land to a church in Henderson, Tenn.~~

~~S. 1110, with amendment, to authorize the Secretary to convey interests in submarginal lands to Clemson College, S. C.~~

4. SURPLUS FOODS. The "Daily Digest" states that the Agriculture and Forestry Committee "considered, but took no final action on, pending legislation relative to distribution of foods." p. D603

5. DEFENSE DEPARTMENT APPROPRIATION BILL, 1960. Passed, 90 to 0, with amendments this bill, H. R. 7454 (pp. 12105-30, 12132-51). Conferees were appointed (p. 12151). House conferees have not yet been appointed.

6. CONSERVATION. The Labor and Public Welfare Committee voted to report (but did not actually report) with amendments S. 812, to establish a Youth Conservation Corps. p. D604

Sens. Randolph and Humphrey commended the bill and urged its enactment. pp. 12103-4, 12157

7. VETERANS. The Labor and Public Welfare Committee reported with amendment S. 1138, to provide for readjustment assistance to veterans who served in the Armed Forces between Jan. 31, 1955 and July 1, 1963, including payments for courses in on-farm training (S. Rept. 514). pp. 12074, 12165

8. CIVIL DEFENSE. Sen. McGee inserted an article by Sen. Young, O., "Civil Defense: A National Disgrace," critical of the civil defense program. pp. 12093-5

9. SALINE WATER. Sen. Johnson stated that "the Interior Department has just announced that Freeport, Tex., has been selected as the site of the first saline-water conversion demonstration plant on the gulf coast," and commended the selection of this site for construction of the plant. p. 12098

10. FORESTRY; PERSONNEL. Sen. Murray commended the service of Howard R. Jones, who has retired from the Forest Service, stating that he "is the model of the type of loyal and dedicated career Federal employee whose value we all recognize." p. 12102

11. BUDGET. Sen. Symington stated that "the Congress cut the administration's appropriation requests in the last 5 fiscal years by \$10,603,874,716," and contended that the "President recently vetoed a wheat bill which would have saved about \$260 million." pp. 12102-3

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
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HIGHLIGHTS: Senate ratified International Wheat Agreement. Senate committee reported bills to extend Public Law 480, to increase durum wheat allotments, to make surplus cotton available to textile mills, and to permit farmer association ownership of marketing facilities. Sen. Stennis urged enactment of legislation to continue automatic preservation of acreage allotment histories. House committee voted to report bill to increase Federal travel per diem rates.

SENATE

1. WHEAT. By a vote of 92 to 1, agreed to a resolution of ratification of the new International Wheat Agreement (the Agreement is to remain in force for 3 years, until July 31, 1962). pp. 12234-44
2. THE AGRICULTURE AND FORESTRY COMMITTEE reported the following bills: pp. 12178-9
 - S. 1748, without amendment, to extend Public Law 480 (S. Rept. 522).
 - S. 314, without amendment, to direct the Secretary to make available to textile mills CCC surplus cotton at reduced prices (S. Rept. 520).
 - S. 1282, with amendment, to provide for the establishment of an advisory committee to study and recommend to the Secretary increases in durum wheat allotments (S. Rept. 527).
 - S. 2133, without amendment, to make permanent the act of July 3, 1956, authorizing Interior to requisition low-quality grain from CCC to use in the

THE AGRICULTURE & FORESTRY COMMITTEE reported the following bills:
~~prevention of waterfowl depredations (S. Rept. 524).~~

~~S. 1453, without amendment, to authorize the Secretary to sell and convey a tract of land to Keosauqua, Iowa (S. Rept. 521).~~

~~H. R. 306, without amendment, to permit the Crop Insurance Board to determine when there is sufficient demand for crop insurance in a county to warrant the program being established there (S. Rept. 526).~~

~~H. R. 6436, with amendment, to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants (S. Rept. 579).~~

~~S. 2014, with amendment, to amend the Capper-Volstead Act so as to provide for farmer association ownership of marketing facilities by exempting such associations from the anti-trust laws (S. Rept. 528).~~

~~S. 669, without amendment to authorize the Secretary to convey a tract of land to a church in Henderson, Tenn. (S. Rept. 523).~~

~~S. 1110, without amendment, to authorize the Secretary to convey interests in submarginal lands to Clemson College, S. C. (S. Rept. 525).~~

3. COTTON. Sen. Stennis urged the enactment of legislation to make permanent the automatic preservation of acreage allotment histories, stating that unless his bill, S. 62, "or some modified plan is adopted during this session, procedures for protecting acreage history will revert back to complicated and costly procedures in effect prior to 1957," and inserted a table prepared by this Department showing the number of cotton farms on which no cotton allotment was planted during 1958. pp. 12189-90

4. VETERANS. Passed over, at the request of Sen. Hart, S. 1138, to provide for readjustment assistance to veterans who served in the Armed forces between Jan. 31, 1955, and July 1, 1963, including payments for courses in on-farm training. p. 12261

5. APPROPRIATIONS. Sen. Keating urged the enactment of legislation to authorize the President to reduce or eliminate, by Executive order, amounts from appropriation bills, stating that such authority "is an essential step to achieving long-term Federal fiscal responsibility. pp. 12201-2

The supplemental appropriation estimate received from the President July 13 (S. Doc. 37) includes \$1,500,000 for the construction of the first demonstration plant to convert sea water to fresh water and \$50,000 for the design of a demonstration plant to convert brackish water to fresh water. The funds are to remain available until Sept. 3, 1965.

6. RECLAMATION. Sen. Douglas criticized the Interior Department for not responding to his letters for a "meaningful reply as to whether they intend to carry out the basic purpose of the reclamation law" limiting the amount of water from Federal reclamation projects to those farms not in excess of 160 acres, and inserted his recent letter to Interior on the matter. pp. 12198-9

7. TEXTILE IMPORTS. Sen. Stennis urged a study for the purpose of restricting the importation of cotton textiles, and stated that "It is my understanding that the cotton industry has filed a special appeal with the Secretary of Agriculture, and I urge the Secretary to bring this critical matter to the immediate attention of the President." pp. 12197-8

8. WATER RESOURCES. Sen. Chavez urged the "establishment of a national policy with respect to water resources development project," and inserted a letter he received from GAO in which GAO "reiterated the need for greater uniformity with respect to cost sharing of water resources projects." p. 12196

NEMATOCIDE, PLANT REGULATOR, DEFOLIANT, AND
DESICCANT AMENDMENT OF 1959

JULY 15, 1959.—Ordered to be printed

Mr. HOLLAND, from the Committee on Agriculture and Forestry,
submitted the following

R E P O R T

[To accompany H.R. 6436]

The Committee on Agriculture and Forestry, to whom was referred the bill (H.R. 6436) to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliant, and desiccants, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with an amendment.

This bill provides for regulation of the labeling and marketing of nematocides, plant regulators, defoliant, and desiccants under the Federal Insecticide, Fungicide, and Rodenticide Act. By bringing these products under that act, the bill would also bring them under the pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act (sec. 408 of that act), which provides the manner in which tolerances are established for their residues on raw agricultural commodities.

The bill is fully explained in the attached report of the House Committee on Agriculture. The amendment recommended by the House committee was adopted by the House.

The committee amendment corrects a reference in the bill to the United States Code. Section 408 of the Federal Food, Drug, and Cosmetic Act should be cited as "21 U.S.C. 346a", rather than "21 U.S.C. 348".

[H. Rept. 552, 86th Cong., 1st sess.]

The Committee on Agriculture, to whom was referred the bill (H.R. 6436) to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliant, and desiccants, and for other purposes, having considered the same,

report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out entire section 3(b), page 7, line 21, through page 8, line 14, and substitute therefor the following:

(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, section 406(a) and clause (2) of section 402(a) of the Federal Food, Drug, and Cosmetic Act as in force prior to the date of enactment of the Act of July 22, 1954, 68 Stat. 511 (relating to pesticide chemicals on raw agricultural commodities) shall apply until—

(1) March 5, 1960, or the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) becomes effective, whichever date first occurs.

PURPOSE OF THE BILL

The purpose of this bill is to provide for the proper regulation of nematocides, plant regulators, defoliants, and desiccants which have become of great importance to agriculture and related interests during the last 10 years.

Nematocides are used to control very small worms known as nematodes or eelworms, many of which attack plants. Defoliants are used to make leaves drop from plants, generally to permit mechanical harvesting. Desiccants are used to hasten the drying of plant tissues, usually to facilitate harvesting or improve crop quality. Plant regulators are used to modify the normal growth processes of plants or the produce thereof, for such purposes as to prevent fruit drop, to hasten maturity, and to delay sprouting in storage. The products are defined in more precise technical terms in the bill.

The effect of the bill is to subject the aforementioned products to the same regulatory controls and requirements under the Federal Insecticide, Fungicide, and Rodenticide Act as are now applicable to insecticides, fungicides, weed killers, and rodenticides. By placing these products under that act, the bill would also effectively, although indirectly, place them under the pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act (Public Law 518, 83d Cong.), insofar as residues in or on raw agricultural commodities may be involved, because of the interrelationship of the two acts.

The bill would accomplish its objective of placing nematocides, plant regulators, defoliants, and desiccants under the Federal Insecticide, Fungicide, and Rodenticide Act by expanding the present definition of "economic poison" in that act to include these products. It would also amend certain other definitions in the act and add some

additional ones, as necessitated by the broader coverage. However, it does not change the substantive provisions of the act as they relate to presently regulated products.

The bill would become effective upon enactment and thus permit the Department of Agriculture to begin the registration of the newly regulated products, as required by the Federal Insecticide, Fungicide, and Rodenticide Act, and also permit the Department of Health, Education, and Welfare to establish tolerances for them on raw agricultural commodities under section 408 of the Federal Food, Drug, and Cosmetic Act. However, in order to permit an orderly transition period for both the Government and the industry, provision is made to defer the applicability of certain sections of those two acts to some of these products until March 5, 1960, or such later date or dates, not beyond March 5, 1961, as the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, respectively, may prescribe on the basis of a determination that such postponement is necessary to avoid hardships and will not be unduly detrimental to the public interest. These dates have been specified so as to have the fully effective dates under this bill coincide with those under the food additives amendment to the Federal Food, Drug, and Cosmetic Act (Public Law 85-929). Since some products which would be affected by this bill are also subject to the food additives amendment, it has appeared desirable that the two become fully effective at the same time.

BACKGROUND

The original Federal Insecticide Act was passed in 1910. The present Federal Insecticide, Fungicide, and Rodenticide Act was enacted in 1947 to reflect the then current situation as regards pest control chemicals and agricultural practices. It regulates the labeling and marketing of insecticides, fungicides, herbicides, and rodenticides which are collectively referred to in the act as "economic poisons," and commonly known as pesticides.

Since 1947, several new types of agricultural chemicals have been developed and have found widespread commercial application. These new products are generally referred to and are designated in this bill as nematocides, defoliant, desiccants, and plant regulators. While these products are now regulated under some State laws which correspond to the Federal Insecticide, Fungicide, and Rodenticide Act, they are not regulated under the latter statute. Because of the importance of these products to the agricultural interests of this Nation, various organizations and groups have expressed the opinion that they should be subject to similar regulation at the Federal level.

Experience has shown that regulation of agricultural pest control chemicals under the Federal Insecticide, Fungicide, and Rodenticide Act has been effective and beneficial to farmers and growers. Accordingly, it appears desirable that the same type of regulation, under the same act, should be applied to these more recently developed products.

HEARING

A hearing was held by the full committee on this bill. At the hearing, representatives from the Department of Agriculture, land-grant colleges, the Association of American Pesticide Control Officials,

Inc., farm and grower organizations, and the agricultural chemical industry appeared and testified unanimously in favor of the bill and urged its enactment.

COMMITTEE AMENDMENT

In addition to placing nematocides, plant regulators, defoliants, and desiccants under the Federal Insecticide, Fungicide, and Rodenticide Act, the bill also makes residues of such chemicals in or on raw agricultural commodities subject to the pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act. The bill, as introduced, provided that that amendment would not be applicable to some of the chemicals for a period of time to be specified by the Secretary of Health, Education, and Welfare, but not extending beyond March 5, 1961. The committee amendment, adopted upon the recommendation of the Department of Health, Education, and Welfare, provides that during this transitional period, the adulteration provisions of the earlier law shall be applicable for the purpose of protecting the public health.

DEPARTMENTAL REPORTS

Reports recommending enactment of H.R. 6436 were received from both the Department of Agriculture and the Department of Health, Education, and Welfare. In connection with the estimates of cost in the report of the Department of Agriculture, it is to be noted that many of the products are now scheduled for regulation by the Food and Drug Administration under the provisions of the food additives amendment, so that transfer of their regulation to the Department of Agriculture under terms of this bill will be in part a transfer of administrative cost. Thus the estimates of administrative cost made by the Department of Agriculture are not all new or additional costs.

The amendment recommended by the Department of Health, Education, and Welfare was adopted by the committee.

MAY 21, 1959.

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR CONGRESSMAN COOLEY: This is in reply to your request of April 16 for a report on H.R. 6436, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

This Department supports the purposes of the bill and recommends its enactment.

The bill would amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to bring within the provisions of that law four new classes of chemicals. These classes are nematocides, plant regulators, defoliants, and desiccants.

Our reasons for making the above recommendation are as follows:

(1) The new classes of chemicals which would be brought within the Federal Insecticide, Fungicide, and Rodenticide Act are characteristically agricultural chemicals. The regulation of their use

would provide the same protection to farmers and others using them as is now provided users of products subject to the present act.

(2) These materials have developed into significant agricultural usage since the Federal Insecticide, Fungicide, and Rodenticide Act was enacted in 1947. Thus, their inclusion within the provisions of that law appears warranted now on the basis of their vastly increased commercial usage.

(3) It is in the interest of uniformity in the regulation of agricultural chemicals to have nematocides, plant regulators, defoliants, and desiccants subject to the same requirements as are insecticides, fungicides, and herbicides.

(4) Many State pesticide statutes presently regulate these materials. The bill would bring them under Federal jurisdiction and would promote uniformity in Federal-State pesticide regulation.

It is estimated that \$350,000 would be required to administer the provisions of H.R. 6436.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

E. T. BENSON.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
May 20, 1959.

HON. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request of May 13, 1959, to the Commissioner of Food and Drugs for a report on H.R. 6436, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

The bill would amend the definition of the term "economic poison" in the Federal Insecticide, Fungicide, and Rodenticide Act so that nematocides, plant regulators, defoliants, and desiccants would be regarded as economic poisons for the purpose of that act. This automatically would classify these chemicals, with respect to residues thereof on raw agricultural commodities, as "pesticide chemicals" and exclude them from the term "food additive" for the purposes of the Federal Food, Drug, and Cosmetic Act, and thus would require tolerances for the residues on food crops to be established under the pesticide chemicals amendment of that act (sec. 408) rather than under the Food Additives Amendment of 1958 (sec. 409).

We defer to the views of the Department of Agriculture insofar as the effect of the bill upon the Insecticide, Fungicide, and Rodenticide Act, which that Department administers, is concerned.

Subject to modification of the transitional provisions of the bill, discussed below, we see no objection to the bill from the standpoint of the Food, Drug, and Cosmetic Act which this Department administers, since, as above indicated, the permanent effect of the bill would be to require safe tolerances for the four groups of agricultural chemicals named in the title to be established under the pesticide chemicals amendment rather than the food additives amendment. Both laws require adequate scientific proof of safety. Indeed, from our view-

point, some advantage would be gained by having the Secretary of Agriculture certify the usefulness of these chemicals to us, as he is called upon to do under the pesticide chemicals amendment to our act.

We believe, however, that the transitional provisions (sec. 3) of the bill are in need of modification insofar as they pertain to our act.

Section 3(b) would, for a period of time which could extend to as late as March 5, 1961, prevent any of these chemicals which were commercially used before January 1, 1958, from being considered adulterated under the pesticide chemicals amendment to our act when not in conformity with the requirements of that amendment. This transitional period parallels the transitional period during which, under present law, these chemicals need not conform to the pretesting requirements of the food additives amendment. However, unlike the transitional provisions of the food additives amendment (Public Law 85-929, sec. 6(c)), the bill fails to preserve, during this transitional period, the application of the adulteration provisions of the earlier law under which food-bearing residues of added chemicals, if they are poisonous or deleterious substances, would be deemed adulterated unless these chemicals are required in production and meet such tolerance limitations, if any, as we may establish for them.

If enacted in its present form, this section would thus create a loophole in the consumer protection now available under the pure food law. For a period that could extend to March 5, 1961, it would make it more difficult, if not impossible, for this Department to safeguard the public in case crops were marketed with excessive residues of certain nematocides, plant regulators, defoliants, or desiccants. This loophole, which we believe was not intended to be created, could be closed by revising section 3(b) of the bill to read as stated in the proposed substitute enclosed herewith.

With the substitution of the enclosed language, we would have no objection to the enactment of this bill.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

ELLIOT L. RICHARDSON,
Assistant Secretary.

PROPOSED SUBSTITUTE FOR SECTION 3(b) OF H.R. 6436

"(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, section 406(a) and clause (2) of section 402(a) of the Federal Food, Drug, and Cosmetic Act as in force prior to the date of enactment of the Act of July 22, 1954, 68 Stat. 511 (relating to pesticide chemicals on raw agricultural commodities), shall apply until—

"(1) March 5, 1960, or the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

"(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) becomes effective, whichever date first occurs."

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE
ACT

AN ACT To regulate the marketing of economic poisons and devices, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE

SECTION 1. This Act may be cited as the "Federal Insecticide, Fungicide, and Rodenticide Act."

DEFINITIONS

SEC. 2. For the purposes of this Act—

a. The term "economic poison" means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, *nematodes*, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Secretary shall declare to be a pest [.] and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

b. The term "device" means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi, *nematodes*, or such other pests as may be designated by the Secretary, but not including equipment used for the application of economic poisons when sold separately therefrom.

c. The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever.

d. The term "fungicide" means any substance or mixture or substance intended for preventing, destroying, repelling, or mitigating any fungi.

e. The term "rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the Secretary shall declare to be a pest.

f. The term "herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

g. The term "*nematocide*" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating *nematodes*.

h. The term "*plant regulator*" means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering

the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

i. The term "defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

j. The term "desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

k. The term "nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

[g.] l. The term "weed" means any plant which grows where not wanted.

[h.] m. The term "insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

[i.] n. The term "fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

[j.] o. The term "ingredient statement" means either—

(1) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison; or

(2) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the economic poison (except option 1 shall apply if the preparation is highly toxic to man, determined as provided in section 6 of this Act);

and, in addition to (1) or (2) in case the economic poison contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

[k.] p. The term "active ingredient" means—

(1) *in the case of an economic poison other than a plant regulator, defoliant or desiccant*, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests [.] ;

(2) *in the case of a plant regulator*, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

(3) *in the case of a defoliant*, an ingredient which will cause the leaves or foliage to drop from a plant;

(4) *in the case of a desiccant*, an ingredient which will artificially accelerate the drying of plant tissue.

[l.] *q.* The term "inert ingredient" means an ingredient which is not active.

[m.] *r.* The term "antidote" means a practical immediate treatment in case of poisoning and includes first-aid treatment.

[n.] *s.* The term "person" means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

[o.] *t.* The term "Territory" means any Territory or possession of the United States, excluding the Canal Zone.

[p.] *u.* The term "Secretary" means the Secretary of Agriculture.

[q.] *v.* The term "registrant" means the person registering any economic poison pursuant to the provisions of this Act.

[r.] *w.* The term "label" means the written, printed, or graphic matter on, or attached to, the economic poison or device or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the economic poison or device.

[s.] *x.* The term "labeling" means all labels and other written, printed, or graphic matter—

(1) upon the economic poison or device or any of its containers or wrappers;

(2) accompanying the economic poison or device at any time;

(3) to which reference is made on the label or in literature accompanying the economic poison or device, except to current official publications of the United States Departments of Agriculture and Interior, the United States Public Health Service, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of economic poisons;

[t.] *y.* The term "adulterated" shall apply to any economic poison if its strength or purity falls below the professed standard or quality as expressed on its labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

[u.] *z.* The term "misbranded" shall apply—

(1) to any economic poison or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) to any economic poison—

(a) if it is an imitation of or is offered for sale under the name of another economic poison;

(b) if its labeling bears any reference to registration under this Act;

(c) if the labeling accompanying it does not contain directions for use which are necessary and if complied with adequate for the protection of the public;

(d) if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals;

(e) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be

clearly read, of the retail package which is presented or displayed under customary conditions of purchase: *Provided*, That the Secretary may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

(f) if any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; *or*

(g) if in the case of an insecticide, *nematocide*, fungicide, or herbicide when used as directed or in accordance with commonly recognized practice it shall be injurious to living man or other vertebrate animals, or vegetation, except weeds, to which it is applied, or to the person applying such economic poison **[.]**; *or*

(h) *if in the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such economic poison: Provided, That physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.*



Calendar No. 520

86TH CONGRESS
1ST SESSION

H. R. 6436

[Report No. 519]

IN THE SENATE OF THE UNITED STATES

JULY 7, 1959

Read twice and referred to the Committee on Agriculture and Forestry

JULY 15, 1959

Reported by Mr. HOLLAND, with an amendment

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Nematocide, Plant Regu-
4 lator, Defoliant, and Desiccant Amendment of 1959".

5 SEC. 2. (A) The Federal Insecticide, Fungicide, and
6 Rodenticide Act (61 Stat. 163; 7 U.S.C. 135-135k) is
7 amended so that sections 2a and 2b read as follows:

8 "a. The term 'economic poison' means (1) any sub-
9 stance or mixture of substances intended for preventing,
10 destroying, repelling, or mitigating any insects, rodents,

1 nematodes, fungi, weeds, and other forms of plant or animal
2 life or viruses, except viruses on or in living man or other
3 animals, which the Secretary shall declare to be a pest, and
4 (2) any substance or mixture of substances intended for use
5 as a plant regulator, defoliant or desiccant.

6 “b. The term ‘device’ means any instrument or contriv-
7 ance intended for trapping, destroying, repelling, or miti-
8 gating insects or rodents or destroying, repelling, or miti-
9 gating fungi, nematodes, or such other pests as may be des-
10 ignated by the Secretary, but not including equipment used
11 for the application of economic poisons when sold sepa-
12 rately therefrom.”

13 (B) Section 2 of such Act is further amended by re-
14 designating subsections g through u to be subsections l
15 through z respectively; and by adding new subsections g,
16 h, i, j, and k, and amending new subsections p and z, to read
17 respectively as follows:

18 “g. The term ‘nematocide’ means any substance or mix-
19 ture of substances intended for preventing, destroying, re-
20 pelling, or mitigating nematodes.

21 “h. The term ‘plant regulator’ means any substance or
22 mixture of substances, intended through physiological action,
23 for accelerating or retarding the rate of growth or rate of
24 maturation, or for otherwise altering the behavior of orna-
25 mental or crop plants or the produce thereof, but shall not

1 include substances to the extent that they are intended as
2 plant nutrients, trace elements, nutritional chemicals, plant
3 inoculants, and soil amendments.

4 “i. The term ‘defoliant’ means any substance or mixture
5 of substances intended for causing the leaves or foliage to
6 drop from a plant, with or without causing abscission.

7 “j. The term ‘desiccant’ means any substance or mix-
8 ture of substances intended for artificially accelerating the
9 drying of plant tissue.

10 “k. The term ‘nematode’ means invertebrate animals of
11 the phylum nemathelminthes and class nematoda, that is,
12 unsegmented round worms with elongated, fusiform, or sac-
13 like bodies covered with cuticle, and inhabiting soil, water,
14 plants or plant parts; may also be called nemas or eelworms.

15 “p. The term ‘active ingredient’ means—

16 “(1) in the case of an economic poison other than
17 a plant regulator, defoliant or desiccant, an ingredient
18 which will prevent, destroy, repel, or mitigate insects,
19 nematodes, fungi, rodents, weeds, or other pests;

20 “(2) in the case of a plant regulator, an ingredient
21 which, through physiological action, will accelerate or
22 retard the rate of growth or rate of maturation or other-
23 wise alter the behavior of ornamental or crop plants or
24 the produce thereof;

1 “(3) in the case of a defoliant, an ingredient which
2 will cause the leaves or foliage to drop from a plant; --

3 “(4) in the case of a desiccant, an ingredient which
4 will artificially accelerate the drying of plant tissue.

5 “z. The term ‘misbranded’ shall apply—

6 “(1) to any economic poison or device if its labeling
7 bears any statement, design, or graphic representation
8 relative thereto or to its ingredients which is false or
9 misleading in any particular;

10 “(2) to any economic poison—

11 “(a) if it is an imitation of or is offered for sale
12 under the name of another economic poison;

13 “(b) if its labeling bears any reference to regis-
14 tration under this Act;

15 “(c) if the labeling accompanying it does not
16 contain directions for use which are necessary and if
17 complied with adequate for the protection of the
18 public;

19 “(d) if the label does not contain a warning or
20 caution statement which may be necessary and if
21 complied with adequate to prevent injury to living
22 man and other vertebrate animals, vegetation, and
23 useful invertebrate animals;

24 “(e) if the label does not bear an ingredient
25 statement on that part of the immediate container

1 and on the outside container or wrapper, if there be
2 one, through which the ingredient statement on the
3 immediate container cannot be clearly read, of the
4 retail package which is presented or displayed un-
5 der customary conditions of purchase: *Provided*,
6 That the Secretary may permit the ingredient state-
7 ment to appear prominently on some other part of
8 the container, if the size or form of the container
9 makes it impracticable to place it on the part of the
10 retail package which is presented or displayed un-
11 der customary conditions of purchase;

12 “(f) if any word, statement, or other informa-
13 tion required by or under authority of this Act to
14 appear on the label or labeling is not prominently
15 placed thereon with such conspicuousness (as com-
16 pared with other words, statements, designs, or
17 graphic matter in the labeling) and in such terms as
18 to render it likely to be read and understood by the
19 ordinary individual under customary conditions of
20 purchase and use; or

21 “(g) if in the case of an insecticide, nemato-
22 cide, fungicide, or herbicide when used as directed
23 or in accordance with commonly recognized prac-
24 tice it shall be injurious to living man or other ver-

1 tebrate animals, or vegetation, except weeds, to
2 which it is applied, or to the person applying such
3 economic poison; or

4 “(h) if in the case of a plant regulator, defoli-
5 ant, or desiccant when used as directed it shall be
6 injurious to living man or other vertebrate animals,
7 or vegetation to which it is applied, or to the person
8 applying such economic poison: *Provided*, That
9 physical or physiological effects on plants or parts
10 thereof shall not be deemed to be injury, when this is
11 the purpose for which the plant regulator, defoliant,
12 or desiccant was applied, in accordance with the
13 label claims and recommendations.”

14 SEC. 3. This Act shall take effect on the date of its
15 enactment, except that—

16 (a) with respect to any nematocide, plant regulator,
17 defoliant, or desiccant which was marketed commer-
18 cially prior to the date of enactment and whose use
19 does not result in residues of same remaining in or on
20 a food, and with respect to any nematocide, plant regu-
21 lator, defoliant, or desiccant whose use does result in
22 residue remaining in or on a food at the time of intro-
23 duction into interstate commerce and which use had
24 commercial application prior to January 1, 1958, section
25 3, “Prohibited Acts”; section 8, “Penalties”; section 9,

1 “Seizures”; and section 10, “Imports”, of the Federal
2 Insecticide, Fungicide, and Rodenticide Act, which this
3 Act amends, shall not be applicable until—

4 (1) March 5, 1960, or such later date, not be-
5 yond March 5, 1961, as the Secretary of Agricul-
6 ture may prescribe on the basis of a determination
7 that such action will not be unduly detrimental to
8 the public interest and is necessary to avoid hard-
9 ships, or

10 (2) the date on which a registration for such
11 use is issued under the Federal Insecticide, Fungi-
12 cide, and Rodenticide Act,
13 whichever date first occurs; and

14 (b) with respect to any particular commercial use
15 of a nematocide, plant regulator, defoliant, or desiccant
16 in or on a raw agricultural commodity, if such use was
17 made of such substance before January 1, 1958, sec-
18 tion 406 (a) and clause (2) of section 402 (a) of the
19 Federal Food, Drug, and Cosmetic Act as in force prior
20 to the date of the enactment of the Act of July 22, 1954
21 (68 Stat. 511) (relating to pesticide chemicals on raw
22 agricultural commodities) shall apply until—

23 (1) March 5, 1960, or the end of such addi-
24 tional period, not beyond March 5, 1961, as the
25 Secretary of Health, Education, and Welfare may

1 prescribe on the basis of a finding that such exten-
2 sion involves no undue risk to the public health and
3 that conditions exist which necessitate the prescrib-
4 ing of such an additional period, or

5 (2) the date on which an order with respect to
6 such use under section 408 of the Federal Food,
7 Drug, and Cosmetic Act (21 U.S.C. ~~348~~ 346a)
8 becomes effective,
9 whichever date first occurs.

Passed the House of Representatives July 6, 1959.

Attest:

RALPH R. ROBERTS,

Clerk.

80TH CONGRESS
1ST SESSION

H. R. 6436

[Report No. 519]

AN ACT

To amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

JULY 7, 1959

Read twice and referred to the Committee on
Agriculture and Forestry

JULY 15, 1959

Reported with an amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued July 17, 1959
For actions of July 16, 1959
86th-1st, No. 119

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HIGHLIGHTS: Senate passed bills to: Make surplus cotton available to textile mills. Provide employee health insurance program. Sen. Mansfield criticized forest road financing policies. House committee reported bill to increase Federal travel per diem rates. Sen. Stennis introduced and discussed bill to establish Agricultural Policy Commission.

SENATE

- COTTON; TEXTILES.** Passed without amendment S. 314, to direct the Secretary of Agriculture to make available to textile mills during the fiscal year 1960, and the four succeeding years, not less than 750,000 bales of surplus CCC cotton at such prices as he determines will allow the U. S. cotton textile industry to regain the level of exports of cotton products maintained by it during the period 1947 through 1952. pp. 12378-9
Sen. Talmadge expressed his concern over the importation of cotton textiles, and inserted the text of his letter to the Secretary urging favorable consideration of the petition filed by the National Cotton Council "to invoke the safeguards of section 22 of the Agricultural Adjustment Act against indiscriminate importation of foreign textile products." pp. 12324-5
- PERSONNEL.** By a vote of 81 to 4, passed as reported S. 2162, to provide a health insurance program for Federal employees (pp. 12351-63).. Sen. Johnston explained

the purpose of the bill as follows:

"The bill proposes an equal division of cost between Government and the employees. The total cost of the bill will be determined by the administering agency's prudence in arriving at contracts with the carriers that will give maximum benefits with a minimum of cost.

"The bill will give employees a choice of between two or possibly three plans, whichever might be best suited to the employee's individual needs.

"The bill provides a broad framework within which the Civil Service Commission can develop specific contracts for benefits.

"Employees in the executive, judicial, and legislative branches of the Federal Government would be eligible to enroll for themselves and members of their families, including children up to age 19."

3. FORESTRY. Sen. Mansfield criticized administration policies for the construction of forest roads and trails, contending there was "hidden spending" in such construction resulting from the practice that "When timber is offered for sale under terms which require that the purchaser build the main roads, plus the usual logging spurs, the price of the timber is reduced sufficiently to reflect these estimated costs." pp. 12323-4
4. RESEARCH. Passed as reported S. 864, to grant the Secretary authority to dispose of animals infected or exposed to communicable diseases dangerous to livestock or poultry. pp. 12379-80
5. INSECTICIDES, ETC. Passed as reported H. R. 6436, to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants. pp. 12380-1
6. FARM CREDIT. Passed with amendments S. 1512, to amend the Federal Farm Loan Act so as to transfer responsibility for making appraisals from the Farm Credit Administration to the Federal land banks. pp. 12370, 12373-8
7. VETERANS; FARM LOANS. Sen. Yarborough inserted an explanation of S. 1138, to provide for readjustment assistance to veterans who served in the Armed force between Jan. 31, 1955, and July 1, 1963, which includes provisions authorizing loans to veterans to purchase farms and equipment, including farm homes, and payments for courses in on-farm training. pp. 12368-70
8. WHEAT. Sen. Carlson expressed his pleasure over the harvest of "a very good crop" of wheat, stating that "This is the first year in many years that we have not had a serious shortage of railroad cars for the movement of this grain." p. 12331
9. FOREIGN CURRENCIES. Sen. Fulbright inserted and discussed letters from the State Department expressing opposition to the use of foreign currencies by that Department for representation and travel purposes. pp. 12336-8
10. APPROPRIATIONS. Sen. Curtis urged enactment of legislation to authorize the President to reduce or eliminate amounts in appropriation bills by issuance of Executive orders on such items. pp. 12327-8
11. ADMINISTRATIVE PROCEDURE. Sen. Carroll announced that hearings will be held July 21-23 by the Subcommittee on Administrative Practice and Procedure of the Judiciary Committee on S. 2374, concerning standards of conduct in agency

Calendar No. 520, H.R. 6436. There is no controversy about the bill, and it has been cleared by the leadership on both sides.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 520, H.R. 6436.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 6436) to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators defoliant, and desiccants, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Agriculture and Forestry with an amendment.

Mr. HOLLAND. Mr. President, the bill was reported by a unanimous vote of the Committee on Agriculture and Forestry after it had passed the House without objection.

The bill relates to the present Federal Insecticide, Fungicide, and Rodenticide Act, which was passed some years ago. At that time, all the known sprays, liquids, and other kinds of poisons which were used as insecticides, fungicides, and rodenticides were placed under the control of the Department of Agriculture. Since that time, other similar agricultural items have been developed, one group of which is known as nematocides, which deals with nematodes. Others are plant regulators, defoliant, and desiccants.

With the approval of all the agencies concerned, and at the request of all the agricultural groups concerned, this bill was drafted to give authority to regulate these new types of agricultural chemicals so as to protect the public. Inclusion of these chemicals in the Federal Insecticide, Fungicide, and Rodenticide Act automatically includes them under the pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act. These new products, which were not included in the old act, will become subject to exactly the same kind of regulation and control.

As I have said, the bill, which is a House bill, was passed by the House on an unobjection-to basis.

It was reported unanimously by the Senate Committee on Agriculture and Forestry. It will simply afford the public the protection which it already has in the fields of insecticides, fungicides, and rodenticides, namely, a close regulation and control by the Federal agency concerned.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The committee amendment will be stated.

The LEGISLATIVE CLERK. On page 8, in line 7, after "(21 U.S.C.)," it is proposed to strike out "348" and to insert "346a."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 6436) was read the third time and passed.

NEW YORK COURT BANS DISCRIMINATION AGAINST JEWS BY ARAMCO

Mr. HUMPHREY. Mr. President, I should like to address the Senate on the subject of the New York Supreme Court's decision banning discrimination against those of Jewish faith in the hiring practices of Aramco.

Mr. President, on yesterday a great blow was struck for freedom. I refer to the decision of the Supreme Court of the State of New York holding that the discriminatory hiring practices of the Arabian-American Oil Co. in the State of New York violate State law, and must cease.

The Arabian-American Oil Co., better known as Aramco, is an oil producing and refining organization with vast concessions in Saudi Arabia. It is owned by Standard Oil of New Jersey, Standard Oil of California, Texaco and Socony-Mobil.

As long ago as 1950, Aramco admitted to the New York State Commission Against Discrimination that it "had an understanding with the Arabian Government to screen all prospective employees for work in Arabia before they applied for Arabian visas, for the purpose of excluding persons of the Jewish faith, to whom visas will not be granted."

But this was not all. It later came to light that Aramco not only screened prospective employees for work in Saudi Arabia, but it went a step further. It even discriminated against people of the Jewish religion seeking positions with the company which did not even require travel to Saudi Arabia or to other Arab countries which exclude Jews.

The commission, in interviewing the counsel of Aramco, was candidly told that "the surest way to offend the Arabian Government would be for them to find out that Aramco was freely hiring Jews" and that this applies "overseas as well as here in New York City." Aramco's counsel went on to say that the King of Saudi Arabia not only prohibits the employment of Jews in Arabia, but also "strenuously objects to the employment of Jews in any part of Aramco's American operation." In discussing its hiring practices, the company's counsel went on to say that for domestic purposes the company "would employ no one who is in any way affiliated with an organization such as the world Zionist movement."

Mr. President, that is a situation in which the head of a foreign power is telling an American firm whom it can hire and whom it cannot.

Such demands by a foreign power not only violate the law of the State of New

York and the Constitution of the United States which guarantees freedom of religion, but also violate the basic moral principle that men are created equal and are entitled to equal treatment under the laws of the land.

Earlier this year the New York State Commission Against Discrimination ruled that Aramco's hiring practices were not in violation of State law. That ruling was promptly contested by the American Jewish Congress, which petitioned the Supreme Court of the State of New York. Yesterday the court issued an order directing the State Commission Against Discrimination to take such action as is necessary to put an end to Aramco's discriminatory hiring practices against Jews.

The court's opinion, as reported in today's New York Times, should gladden the hearts of all Americans. I ask unanimous consent that the New York Times article on this decision be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. ARKEN in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, the court noted that among more than 800 employees of Aramco in its New York office, few, if any, Jews are employed. In answer to Aramco's argument that it was forced to discriminate against Jews because some of its employees might have to be sent to Saudi Arabia, the court stated:

The answer is simple: Go elsewhere to serve your Arab master, but not in New York State.

Justice Epstein, who delivered the court's opinion, called the ruling of the State Commission Against Discrimination, whereby it dismissed the case, "arbitrary, capricious, and without basis in fact or law. The film of oil which blurs the vision of Aramco has apparently affected the commission in this case. The commissioner cannot place the policy of Saudi Arabia above the law and public policy of New York State. Aramco cannot defy the declared public policy of New York State and violate its statute within the State, no matter what the King of Saudi Arabia says."

The justice went on to say that the Constitution of the United States and the laws of New York State could not be cast aside to protect the oil profits of Aramco.

Mr. President, I applaud the Supreme Court of the State of New York for its decision in this case. And I commend Justice Epstein for his brilliant opinion.

I think that the court was absolutely correct. We cannot compromise on a basic moral issue. In America human rights are of prime consideration, and nothing—not even Arabian oil—can take priority over them. It is about time that some companies which seem more interested in profits than in people begin to understand this simple truth.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. I am happy to yield.

Mr. MORSE. Let me say to my good friend, the Senator from Minnesota, that I am not surprised to hear him take this stand for principle, on the floor of the Senate. I am sure he will be pleased to know that earlier today, I spoke at some length on this matter, and placed in the RECORD one of the newspaper accounts of Judge Epstein's opinion, and stated that when the mutual security appropriation bill comes to the floor of the Senate, I shall offer again the amendment I offered when the mutual security authorization bill was under consideration by the Senate. At that time the amendment was rejected by a close vote; but I understand that when certain Senators came to the Chamber, to vote on the amendment, they were ill advised or were misinformed regarding what the amendment involved.

So I have stated that when the mutual security appropriation bill comes up on the floor of the Senate, I shall again submit my amendment, and shall discuss it at sufficient length, so that Senators will not again misunderstand what the amendment involves.

Mr. HUMPHREY. I thank the Senator from Oregon. Let me say that I voted for the amendment at that time, and I thought the amendment should have been agreed to.

The Senator from Oregon will recall that several years ago, when the distinguished Senator Lehman was a member of this body, and when he attempted to have the Senate adopt an effective resolution on this subject, although the resolution was watered down considerably, nevertheless, it was adopted by the Senate. However, the Government and the State Department ignored the resolution.

So it seems to me that now—in 1959—the time has come for us to have the same courage that William Howard Taft had some years ago and that another President had in the days of Czarist Russia when there was discrimination against certain Americans because of their religious faith. Our country abrogated a treaty it had, and said it would not be party to any treaty which discriminated against Americans.

Mr. President, it is about time for us to make quite clear that the kind of legal and moral construction which has been given to the law by the New York court is also the judgment of the Senate.

Of course, Mr. President, in dealing with foreign powers, it is necessary to make certain concessions and compromises. But this does not mean that we can compromise on basic moral issues. Discrimination against another human being because of his religion, race, color, creed, or nationality is just such a fundamental moral issue. To agree to demands for discriminatory policies goes beyond the bounds of legitimate compromise, and cannot be accepted if America is to remain true to its cherished belief in the dignity of man and his right to liberty.

We can be proud of the action taken yesterday by the New York State Supreme Court in stamping out that instance of discrimination in hiring. As a result of such action, the moral fiber of America has been strengthened, and

another victory on behalf of freedom has been achieved.

Let me say to the Senator from Oregon that when he again submits his amendment, I shall be here to support his hand; and he is deserving of the commendation and the thanks of every Member of the Senate.

I am sure he is correct in stating that if there had been a full attendance of Senators at the time when he discussed his amendment to the mutual security bill, an overwhelming majority of the Senate would have supported the amendment. It is regrettably true that many Senators have so many duties to perform throughout the day that frequently they can come to the floor of the Senate only when yea-and-nay votes are about to be taken; and when they come to the floor of the Senate at such times, frequently they have not had an opportunity to be informed of the background of the issues then pending.

Mr. President, I will look forward to the opportunity of again expressing my considered judgment and conviction on the matter of discrimination in hiring, not only in the instance of the Aramco but, as every Member of this body knows, I feel there ought to be a Federal law applying to interstate commerce prohibiting any form of discrimination in employment practices.

EXHIBIT 1

[From the New York Times, Apr. 16, 1959]
ARAMCO'S BAN HERE ON JEWS IS REVOKED

The State supreme court held yesterday that the Arabian-American Oil Co. must stop asking job applicants in New York State questions about their religion so that the company could comply with Saudi Arabian barriers against Jews.

Justice Henry Epstein annulled a finding by Elmer A. Carter, chairman of the State commission against discrimination, that exempted Aramco from State laws prohibiting such questions. He sent the case back to the commission for action not inconsistent with this opinion.

The court acted on a petition of the American Jewish Congress. Justice Epstein noted from the record that Saudi Arabia not only prohibited the employment of Jews there, but also objected to it in any part of Aramco's operations.

"It is a matter of record that out of 807 employees on Aramco's New York payroll, few, if any, Jews are employed," he said.

NEW YORK'S ANSWER

He noted Aramco's contention that this resulted from the possibility that some of its employees might have to be sent to Saudi Arabia, and went on: "The answer is simply: Go elsewhere to serve your Arab master—but not in New York State."

Justice Epstein asserted that no foreign nation could dictate the nonenforcement of a valid State law in New York.

"An engineer who is Jewish is no less an engineer by being so," he said, "and no cavalier attempt to classify him as not having a bona fide qualification because he is Jewish will be countenanced by this court."

"Any such holding—and the decision of Commissioner Carter is just that—destroys the safeguards of the first and fifth amendments of the Constitution of the United States."

Justice Epstein called Commissioner Carter's action "arbitrary, capricious, and without basis in fact or law."

VALIDITY OF SOVEREIGNTY

"When Commissioner Carter declares that American interests in the Near East 'out-

weigh the abstract vindication of State sovereignty' he makes the commission the vassal of a foreign potentate," Justice Epstein declared.

"The film of oil which blurs the vision of Aramco has apparently affected the commission in this case."

"The discrimination practiced by Aramco in New York State must cease and it is the duty of the commission to see that it does."

Justice Epstein said there was no treaty or Federal law to prevent enforcement of the State's antidiscrimination law.

"The commissioner may not place the policy of Saudi Arabia above the law and public policy of New York State," the court continued. "No agency of New York State may subordinate the law of the State to the dictates of a foreign state which violates our own public policy."

"Aramco cannot defy the declared public policy of New York State and violate its statute within the State, no matter what the King of Saudi Arabia says."

The justice declared the constitution and laws of New York State could not be "cast aside to protect the oil profits of Aramco."

Commissioner Carter said he would study Justice Epstein's opinion and indicated that he would comment on it today.

DEPARTMENT OF PEACE

Mr. HUMPHREY. Mr. President, some time ago our colleague, the senior Senator from West Virginia [Mr. RANDOLPH] addressed the Senate on his proposal to create a Department of Peace, headed by a member of the Cabinet. This has been a longtime effort on the part of the Senator from West Virginia [Mr. RANDOLPH].

At the time he addressed the Senate and made his proposal, several of his colleagues commended him for his vision, imagination, and moral courage, and for his far reaching and important proposal.

The Miami Herald, under date of July 13, editorialized concerning the proposal of the Senator from West Virginia for a Department of Peace. It is entitled "Everybody's Department."

The editorial points out, in one or two paragraphs, what I think is the general consensus of those who are concerned with America's taking the lead in the world for a constructive and enduring peace and for justice and freedom.

I read from the editorial:

Of course, he is quite right and his idea for a Department of Peace is soundly motivated.

However, in these tense times, every department, branch, and agency of Government should be its own dedicated Department of Peace, doing always and forever whatever it can to prevent a war which well could destroy the world.

The editorial properly praises the Senator from West Virginia and the praise is justly due him.

I am a little disappointed in the concluding paragraph of the editorial, wherein the editor feels possibly this department would be superfluous. I do not think so. I think it would be a way of dramatizing the humanitarian concern of the American people for a world of peace, justice, and tranquillity. At least, the proposal of the Senator from West Virginia indicates the American people are deeply disturbed over threats of war and international tension which

ployees in such industry to participate in the high national level of earnings.

SEC. 2. (a) In order to carry out the purpose of this Act the Secretary of Agriculture is authorized and directed to make available to textile mills in the United States during the fiscal year ending June 30, 1960, and each of the four succeeding fiscal years not less than seven hundred and fifty thousand bales of surplus cotton owned by the Commodity Credit Corporation at such prices as the Secretary determines will allow the United States cotton textile industry to regain the level of exports of cotton products maintained by it during the period 1947 through 1952. Cotton shall be made available to a textile mill under this Act only upon agreement by such mill that such cotton will be used only for the manufacture of cotton products for export.

(b) The Secretary shall announce, not later than September 1 of each year for which surplus cotton is made available under this Act, the price at which such cotton is to be made available and thereafter for a period of thirty days shall accept applications from textile mills for the purchase of such surplus cotton. In the event the quantity of cotton for which application is made exceeds the quantity of such cotton made available for distribution under this Act, the cotton made available for distribution shall be distributed pro rata among the mills making application therefor on the basis of the quantities of cotton processed by such mills during the three calendar years preceding the year for which such distribution is made.

SEC. 3. The Secretary shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 4. Any person who knowingly sells or offers for sale in the United States any product processed or manufactured in whole or substantial part from any cotton made available under this Act shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than five years, or both such fine and imprisonment.

Mrs. SMITH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. AIKEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROTECTION AGAINST INTRODUCTION AND DISSEMINATION OF DISEASES OF LIVESTOCK AND POULTRY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 344, S. 864.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 864) to provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 2, line 12, after the word "handled", to insert "in interstate or foreign commerce"; in line 23, after the word "livestock", to strike out "of" and insert "or"; on page 3, line 13, after the

word "disease", to insert a colon and "Provided, That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction."; and on page 5, at the beginning of line 23, to strike out "where" and insert "whether"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act unless the context indicates otherwise—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "animals" means all members of the animal kingdom including birds, whether domesticated or wild, but not including man.

(c) The term "United States" means the States, Puerto Rico, Hawaii, Guam, the Virgin Islands of the United States, and the District of Columbia.

(d) The term "interstate" means from a State or other area included in the definition of "United States" to or through any other State or other such area.

SEC. 2. (a) The Secretary, whenever he deems it necessary in order to guard against the introduction or dissemination of any communicable disease of livestock or poultry, may seize, quarantine, and dispose of, in such manner as he deems necessary or appropriate (1) any animals which he finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him for the prevention of the introduction or dissemination of any communicable disease of livestock or poultry; (2) any animals which he finds are moving into the United States, or interstate, and are affected with or have been exposed to any communicable disease dangerous to livestock or poultry; and (3) any animals which he finds have moved into the United States, or interstate, and at the time of such movement were so affected or exposed.

(b) Whereas the existence of any extremely dangerous, communicable disease of livestock or poultry, such as foot-and-mouth disease, rinder-pest, or European fowl pest, on any premises in the United States would constitute a threat to livestock and poultry of the Nation and would seriously burden interstate and foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the outbreak of such a disease anywhere in the United States, and that such outbreak threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of, in such manner as he deems necessary or appropriate, any animals in the United States which he finds are or have been affected with or exposed to any such disease and the carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating any such disease: *Provided*, That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction. The Secretary shall notify the appropriate official of the State or other jurisdiction before any action is taken in any such State or other jurisdiction pursuant to this subsection.

(c) The Secretary may order the owner of any animal, carcass, product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to dispose of such animal, carcass, product, or article in such manner as the Secretary may direct.

(d) Except as provided in subsection (e) of this section, the Secretary shall compen-

sate the owner of any animals, carcass, product, or article destroyed pursuant to the provisions of this section. Such compensation shall be based upon the fair market value as determined by the Secretary, of any such animal, carcass, product, or article at the time of the destruction thereof. Compensation paid any owner under this subsection shall not exceed the difference between any compensation received by such owner from a State or other source and such fair market value of the animal, carcass, product, or article. Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used for carrying out this subsection.

(e) No payment shall be made by the Secretary for any animal, carcass, product, or article which has been moved or handled by the owner thereof or his agent in violation of any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease, or any law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of any such disease, or for any animal which has moved into the United States contrary to an embargo imposed by any such law or regulation administered by the Secretary.

SEC. 3. The Secretary, in order to protect the health of the livestock or poultry of the Nation, may promulgate regulations requiring that railway cars; vessels; airplanes; trucks; and other means of conveyance; stockyards; feed, water, and rest stations; and other facilities, used in connection with the movement of animals into or from the United States, or interstate, be maintained in a clean and sanitary condition, including requirements for inspection, cleaning, and disinfection.

SEC. 4. The Secretary is authorized to promulgate regulations prohibiting or regulating the movement into the United States of any animals which are or have been affected with or exposed to any communicable animal disease, or which have been vaccinated or otherwise treated for any such disease, or which he finds would otherwise be likely to introduce or disseminate any such disease, when he determines that such action is necessary to protect the livestock or poultry of the United States.

SEC. 5. Employees of the Department of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such person or means of conveyance is carrying any animals, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any communicable animal disease; (2) to stop and inspect, without a warrant, any person or means of conveyance moving interstate upon probable cause to believe that such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations. Any Federal judge, or any judge of a court of record in the United States, or any United States commissioner, may, within his jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or article regulated or subject to disposal under any law or regulation ad-

ministered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease, issue warrants for the entry upon such premises and for inspections and seizures necessary under such laws and regulations. Such warrants may be executed by any authorized employee of the Department of Agriculture.

SEC. 6. (a) Whoever violates any regulation promulgated pursuant to the provisions of sections 1 through 5 of this Act shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both.

(b) The Secretary may bring an action to enjoin the violation of, or to compel compliance with, any regulation promulgated or order issued under said sections, or to enjoin any interference by any person with an employee of the Department of Agriculture in carrying out any duties under said sections, whenever the Secretary has reason to believe that such person has violated, or is about to violate, any such regulation or order, or has interfered, or is about to interfere, with any such employee. Such action shall be brought in the United States district court, or the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the violation, omission, or interference has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found, and subpoenas for witnesses who are required to attend the court in any judicial district in any such cases may run into any other judicial district. No costs shall be assessed against the United States in any such case.

SEC. 7. Section 11 of the Act of May 29, 1884 (58 Stat. 734), as amended (21 U.S.C. 114a), is further amended by inserting the words "any communicable diseases of livestock or poultry, including, but not limited to," after the word "eradicate".

SEC. 8. (a) The first section of the Act of March 3, 1905 (33 Stat. 1264), as amended (21 U.S.C. 123), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the words "any animals", and by inserting after the word "disease" the words "of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State or Territory or the District of Columbia".

(b) Sections 2, 3, and 4 of such Act (33 Stat. 1264, 1265), as amended (21 U.S.C. 124, 125, 126), are further amended by striking out the phrase "cattle or other livestock" each time such phrase appears in those sections and inserting in lieu thereof the words "quarantined animals".

SEC. 9. The first proviso under the heading "General Expenses, Bureau of Animal Industry" in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fifteen", approved June 30, 1914 (38 Stat. 419), as amended (21 U.S.C. 128), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof, the words "quarantined animals".

SEC. 10. Section 114 of title 18 of the United States Code is amended by inserting after "wild birds and animals," the following: "any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Hawaii, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases,".

SEC. 11. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

SEC. 12. The authority conferred by this Act shall be in addition to authority conferred by other statutes. Any provision of any other Act inconsistent with the provisions of this Act is hereby repealed.

SEC. 13. If any provision of this Act or application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Mr. JOHNSON of Texas. Mr. President, I had not given notice that this bill would be called up. But the minority leadership has informed me there is no objection to bringing it up.

The Senator from Minnesota is on the floor, and it is convenient for him to present a statement on the bill now.

It is hoped that the bill can be passed today. Then the education bill will be made the unfinished business.

Mr. HUMPHREY. Mr. President, Senate bill 864 strengthens the animal quarantine laws and closes a number of gaps and loopholes in them. The existing laws have been enacted from time to time to meet particular situations with respect to specific animals or specific diseases. As new situations have arisen, they have at times proved inadequate or of doubtful application.

For instance, section 11 of the act of May 29, 1884, gives the Secretary certain authority with respect to a long list of named diseases. It has been amended from time to time to add additional diseases. The bill would make the act applicable to all communicable diseases of livestock or poultry.

Sections 1 through 4 of the act of March 3, 1905, provide quarantine measures for cattle and livestock. The bill would extend these provisions to all animals.

Section 1 of the act of March 3, 1905, authorizes the quarantine of any State in which there are diseased livestock. The bill extends section 1 to States in which the contagion or the vectors which may disseminate the disease exist, even though there are no diseased livestock.

Section 2 of the act of February 2, 1903, authorizes the Secretary to seize, quarantine, and dispose of hay, straw, forage, or similar material. Section 2(b) of the bill authorizes the Secretary to seize, quarantine, and dispose of any articles which he finds were so related to certain animals as to be likely to be a means of disseminating disease.

These are but a few examples of the gaps which would be filled by the bill. The bill would increase the Secretary's seizure authority; clarify his authority to restrict imports; increase authority for inspection and for sanitary regulations, and provide injunction authority. The purpose of the bill is to provide adequate safeguards for the protection from disease of our domestic livestock and poultry industry.

Certain amendments which were suggested by the Department of Agriculture have been included in the bill, as well as the amendment which was suggested by the Association of Veterinarians. So any objection to the bill which

once existed in committee has been eliminated.

The bill was reported unanimously by the Committee on Agriculture and Forestry and has the approval of the Department of Agriculture.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HUMPHREY. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

READJUSTMENT ASSISTANCE TO CERTAIN VETERANS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 511, S. 1138.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1138) to provide readjustment assistance to veterans who served in the Armed Forces between January 31, 1955, and July 1, 1963.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, the Senate will remain in session as any Senator desires to address the Senate on the pending business or any other matter.

The Senate will convene tomorrow at noon for a brief session. Then it is planned to have the Senate go over until Tuesday.

Following the consideration of the pending bill, and if there are no conference reports to be considered, we expect to proceed to the consideration of Calendar No. 448, S. 819, the Kennedy-Clark bill to amend the National Defense Education Act of 1959 in order to repeal certain provisions requiring affidavits of loyalty and allegiance.

I desire that Senators be on notice that S. 819 will follow very closely upon completion of the pending business.

Mr. President—

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Mr. JOHNSON of Texas. Mr. President, I promised the Senator from Florida [Mr. HOLLAND] that I would call up

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: Sen. Dirksen defended Department's record in submitting farm program legislation. House passed mutual security appropriation bill. Both Houses passed appropriation continuation measure. Senate passed bill to increase salaries of Administrative Assistant Secretaries. House received conference report on Labor-HEW appropriation bill. Sen. Symington introduced and discussed bill to compensate producers under soil bank program for actions based on erroneous information.

SENATE

1. **PERSONNEL.** Passed as reported S. 1845, to increase the salaries of Administrative Assistant Secretaries, including this Department, to \$19,000 per annum. The bill also authorizes the Secretary of Commerce to fix the annual rates of basic compensation of examiners-in-chief of patents, subject to approval of the Civil Service Commission. pp. 13337-8
2. **TEMPORARY APPROPRIATIONS.** Both Houses passed without amendment H. J. Res. 475, the continuing resolution making temporary appropriations to departments and agencies for August pending the enactment of the remaining regular appropriation bills. This measure will now be sent to the President. pp. 13334, 13355-6
2. **FARM PROGRAM.** Sen. Dirksen defended the record of this Department against charges that it had not submitted to Congress adequate drafts of farm program

legislation, listed instances in which such legislation has been submitted during this session, inserted testimony by the Secretary before the Senate Agriculture and Forestry Committee on the matter, and stated "There is the chronology, in all its naked boldness; and I know of no way that it can be denied, and I know of no way that it can be denied that the responsibility is not on the Department of Agriculture. The responsibility is on Congress." p. 13305

4. MONOPOLIES. Passed with amendments S. 716, to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws. pp. 13323-33
5. COTTON IMPORTS. Sen. Jordan urged that restrictions be placed on the importation of cotton textiles now, stating that "In the years to come, it will be incomparably harder to place restraints on imports." p. 13301
6. AREA REDEVELOPMENT. Sen. Randolph urged the enactment of area redevelopment legislation. p. 13304
7. CIVIL DEFENSE. Sens. Javits and Young, O., debated the merits of increasing Federal expenditures for civil defense protection. pp. 13313-5
8. FOREIGN AID. Sen. Keating inserted an article by Under Secretary of State Dillon, "Imperatives of International Economic Growth," discussing the importance of foreign economic aid. pp. 13299-301

HOUSE

9. MUTUAL SECURITY. Passed, 279 to 136, with amendments H. R. 8385, the mutual security appropriation bill for 1960, after rejecting a motion to recommit (see Digest 127 for a summary of the amendments considered and for a listing of the provisions of the bill affecting this Department). pp. 13354-5, 13366-7
10. PUBLIC WORKS APPROPRIATION BILL FOR 1960. Conferees were appointed on this bill, H. R. 7509.(p. 13355). Senate conferees have already been appointed.
11. LABOR-HEW APPROPRIATION BILL FOR 1960. Received the conference report on this bill, H. R. 6769 (H. Rept. 734). pp. 13357-8, 13381
An amendment concerning the promotion and further development of vocational education and one concerning research and training grants for vocational rehabilitation were reported in disagreement (on the latter amendment it was agreed to make a motion providing for \$12,700,000). Another amendment provides that the apportionment to the States under certain sections of the bill for vocational rehabilitation will be on the basis of \$29,267,081.
12. INSECTICIDES. Concurred in the Senate amendment (a clerical error) to H. R. 6436, to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and dessicants (p. 13356). This bill will now be sent to the President.
13. FOREIGN AFFAIRS. Agreed to a resolution (S. Con. Res. 67) which corrected a technical error in S. 1928, to provide for U. S. participation in the Inter-American Development Bank (p. 13356). This bill (S. 1928) will now be sent to the President.
14. FOREIGN CURRENCIES. Received the conference report on H. R. 5674, to authorize construction at military installations including the use of foreign currencies under Public Law 480 for foreign military housing construction (H. Rept. 729). pp. 13342-54, 13380

Collier	Jensen	Riley
Colmer	Johansen	Rivers, S.C.
Cunningham	Jonas	Rogers, Fla.
Curtis, Mo.	Kilgore	Roush
Davis, Ga.	Kitchin	Rutherford
Dent	Knox	Saylor
Derwinski	Landrum	Scherer
Devine	Latta	Scott
Dorn, S.C.	Lennon	Sheppard
Dowdy	Lipscomb	Shipley
Everett	McCulloch	Short
Fisher	McDonough	Siler
Flynt	McIntire	Simpson, Ill.
Fountain	McMillan	Smith, Calif.
Gathings	McSween	Smith, Kans.
Gavin	Mack, Wash.	Smith, Va.
Grant	Mason	Steed
Gray	Michel	Teague, Tex.
Gross	Minshall	Thomas
Haley	Mitchell	Thompson, La.
Hall	Moore	Thompson, Tex.
Hargis	Morris, Okla.	Thomson, Wyo.
Harmon	Morrison	Tuck
Harris	Moulder	Utt
Harrison	Murray	Van Pelt
Hemphill	Norrell	Wampler
Henderson	O'Konski	Weaver
Hiestand	Patman	Wharton
Hoeven	Pfost	Whitener
Hoffman, Mich.	Pilcher	Whitten
Hogan	Page	Williams
Holt	Poff	Willis
Hull	Reece, Tenn.	Young
Jennings	Rees, Kans.	

ANSWERED "PRESENT"—2

Sikes Withrow

NOT VOTING—17

Albert	Canfield	Mumma
Auchincloss	Forrester	Preston
Barry	Hoffman, Ill.	Rabaut
Blitch	Kilburn	Rogers, Tex.
Boykin	Lafore	Winstead
Buckley	Moss	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Buckley for, with Mr. Forrester against.
 Mr. Rabaut for, with Mr. Preston against.
 Mr. Auchincloss for, with Mr. Withrow against.

Mr. Moss for, with Mr. Sikes against.
 Mr. Lafore for, with Mr. Hoffman of Illinois against.

Mr. Kilburn for, with Mrs. Blitch against.
 Mr. Albert for, with Mr. Winstead against.
 Mr. Barry for, with Mr. Rogers of Texas against.

Until further notice:

Mr. Boykin with Mr. Canfield.

Mr. SIKES. Mr. Speaker, I have a live pair with the gentleman from California, Mr. Moss. If he were present, he would vote "yea." I voted "nay." Therefore, I withdraw my vote of "nay" and vote "present."

Mr. WITHROW. Mr. Speaker, I have a live pair with the gentleman from New Jersey, Mr. Auchincloss. If he were present, he would vote "yea." I voted "nay." Therefore, I withdraw my vote of "nay" and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

APPROPRIATIONS FOR CIVIL FUNCTIONS, DEPARTMENT OF THE ARMY, CERTAIN AGENCIES OF THE DEPARTMENT OF THE INTERIOR, AND THE TENNESSEE VALLEY AUTHORITY, 1960

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7509) mak-

ing appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1960, and for other purposes, with an amendment of the Senate thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none and appoints the following conferees: MESSRS. CANNON, RABAUT, KIRWAN, JENSEN, and TABER.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have asked for this time in order to inquire of the majority leader as to the program for tomorrow.

Mr. McCORMACK. Mr. Speaker, the next order of business today is the habeas corpus bill.

Tomorrow, if the conference report on the health, education, and welfare bill is filed, that will be brought up tomorrow.

The conference report on the military construction bill will be taken up tomorrow. I cannot state the order in which they will be taken up, but the conference report on the military construction bill will be taken up and the conference report on health, education, and welfare will be considered, if the report is filed.

The Rules Committee has reported out three rules, as follows:

H.R. 8159, to amend the national banking laws, and so forth.

H.R. 8160, to amend lending and borrowing limitations applicable to national banks, and so forth.

H.R. 8305, to amend the Federal Credit Union Act.

I am programing those bills for tomorrow and they will be called up in the order I have announced, following consideration of conference reports.

There will be no meeting of the House on Friday, for it is not considered urgent that we be in session on Friday and that is not contingent upon finishing the three bills mentioned. That is the program for the balance of the week.

Mr. ARENDS. The program for next week will be announced tomorrow?

Mr. McCORMACK. Yes. I would like to keep the Members informed of the program as far in advance as possible.

I have agreed with my friend from Illinois, and he is aware of what I am about to say, that because there is a primary in Mississippi next Tuesday, with the understanding of the Members of the House, any rollcalls on Monday or Tuesday, outside of rollcalls on rules, will go over until Wednesday.

TEMPORARY APPROPRIATIONS FOR THE FISCAL YEAR 1960

Mr. CANNON. Mr. Speaker, in conformity with the consent received on yesterday, I move to suspend the rules

and pass the resolution (H.J. Res. 475) amending a joint resolution making temporary appropriations for the fiscal year 1960, and for other purposes.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1959 (Public Law 86-76) is hereby amended by striking out "July 31, 1959" and inserting in lieu thereof "August 31, 1959".

SEC. 2. The amounts appropriated by subsection (b) of section 101 of Public Law 86-76 are hereby increased as follows:

Mutual security programs from "\$200,000,000" to "\$300,000,000"; and Transitional grants to Alaska from "\$1,000,000" to "\$2,000,000".

The SPEAKER. Is a second demanded?

Mr. TABER. Mr. Speaker, I demand a second.

Mr. HOFFMAN of Michigan. Mr. Speaker, reserving the right to object, I should like to know what the bill is about; I could not hear.

The SPEAKER. The gentleman from Missouri yesterday received consent that he might today move to suspend the rules and pass a joint resolution continuing appropriations for the month of August.

Mr. HOFFMAN of Michigan. I want to know what the appropriations are on which they are about to suspend the rules.

The SPEAKER. The Chair suggests that the gentleman from Missouri and the gentleman from New York will explain the resolution.

Mr. HOFFMAN of Michigan. Yes, but that is after they have received consent.

The SPEAKER. No consent is necessary; this is a motion to suspend the rules.

The gentleman from New York [Mr. TABER] demands a second. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Missouri is recognized.

Mr. CANNON. Mr. Speaker, this is the usual resolution to keep the departments running after July 31 in those instances where the supply bills have not been enacted. It merely extends the applicable provisions of the temporary resolution under which the departments are now operating.

The provision made for the mutual security program is identical with last year's action.

Mr. TABER. Mr. Speaker, this is the customary resolution that comes before us every year. There is nothing in it which differs from what we have had in previous years. I do not see how we can avoid passing it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. GROSS. This simply makes funds available to run the various departments of the Government by continuing appropriations until bills can be passed.

Mr. TABER. It depends on the status of the appropriation bill. If a bill has become law we do not need it, and those agencies are taken out. If it has not

become law but has passed both Houses of Congress the one with the lower figure applies. If it has passed but one House that figure would apply. If it has passed neither House the budget estimate would apply, except for the mutual security appropriation and that is limited by the resolution to \$300 million for the months of July and August.

Mr. GROSS. It provides for expenditures on the basis of and under the conditions that the gentleman has stated; is that correct?

Mr. TABER. Yes. There is one other thing. It provides for increasing the transitional grants to Alaska from \$1 million to \$2 million.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. The gentleman says it gives Alaska \$1 million more than they had before or would have had before?

Mr. TABER. It gives them \$1 million out of a \$10,500,000 appropriation that has been set up for its operations.

Mr. HOFFMAN of Michigan. Is that because Alaska is now a State instead of a Territory?

Mr. TABER. That is about it.

Mr. HOFFMAN of Michigan. So by bringing Alaska into the Union we have this additional million dollars on our shoulders?

Mr. TABER. Yes.

Mr. GROSS. Mr. Speaker, will the gentleman yield again?

Mr. TABER. I yield to the gentleman from Iowa.

Mr. GROSS. Any funds expended will be taken out of the regular appropriations?

Mr. TABER. That is correct.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

INTER-AMERICAN DEVELOPMENT BANK

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk Senate Concurrent Resolution 67 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring). That, in the enrollment of the bill (S. 1928), to provide for the participation of the United States in the Inter-American Development Bank, the Secretary of the Senate be, and he is hereby, authorized and directed to make the following change, namely: On page 8, lines 11 and 12, of the engrossed bill, in the phrase "section 2(a)(6) of the Bretton Woods Agreements Act", strike out "(a)" and insert "(b)".

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SPENCE. Mr. Speaker, this resolution would authorize the enrolling

clerk to strike out (a) and to insert (b). It is an obvious mistake, and it is the purpose of this concurrent resolution to correct the mistake.

The Senate concurrent resolution was agreed to, and a motion to reconsider was laid on the table.

EXTENDING VOLUNTARY HOME MORTGAGE CREDIT PROGRAM

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk Senate Joint Resolution 124 to extend the Voluntary Home Mortgage Credit Program and ask for its immediate consideration.

The Clerk read the Senate joint resolution as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That section 610(a) of the Housing Act of 1954 is amended by striking out "July 31, 1959" and inserting in lieu thereof "September 30, 1959".

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. McDONOUGH. Mr. Speaker, reserving the right to object, and I shall not object, I believe the House should have an explanation of the purpose of this resolution.

Mr. SPENCE. Mr. Speaker, this resolution would extend for 60 days the Voluntary Home Mortgage Credit Program in the Housing and Home Finance Agency. This is a voluntary program that was entered into by lending institutions to provide finances where financing cannot otherwise be obtained in rural areas and small towns. Over 66 percent of these loans were made to veterans who otherwise could not obtain them. This Voluntary Home Mortgage Credit Program will expire on next Friday unless it is extended, and the purpose of Senate Joint Resolution 124 is to extend it for 60 days.

These same provisions appear in the housing bill which we hope by that time may be passed by the Congress. However, if we do not pass this Senate joint resolution, the whole setup in this organization will have to be disbanded. The employees have been notified that their services will be discontinued after next Friday.

I hope that the House will continue this agency which has been so helpful in the past and which has been especially helpful to the veterans living in rural areas and in small towns where there is inadequate financing to furnish funds for the building of homes.

Mr. McDONOUGH. Mr. Speaker, I concur in all that the chairman of the Committee on Banking and Currency has said about the urgent necessity for the adoption of this resolution. It has been stated that this agency will terminate on Friday of this week. It is a vital agency for the promotion of home building in the United States.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read

the third time, and passed, and a motion to reconsider was laid on the table.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6436) to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and dessicants, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 8, line 7, strike out "348" and insert "346a."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, and I shall not object, may I ask the chairman what the Senate amendment is?

Mr. COOLEY. It merely corrects an error made in the drafting of the bill and changes the section referred to in the United States Code.

Mr. HOEVEN. It is just a clerical error?

Mr. COOLEY. That is all it is.

Mr. HOEVEN. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AMENDING SECTIONS 43 AND 34 OF THE BANKRUPTCY ACT

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4340) to amend sections 43 and 34 of the Bankruptcy Act (11 U.S.C. 71, 62) to simplify the filling of referee vacancies, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 5 and 6, strike out "on the existing basis" and insert "without any change in the salary or arrangements".

Page 1, line 8, strike out "existing".

Page 2, line 2, after "amended" insert "by striking the word 'senior' and inserting in the place thereof the word 'chief' and".

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. McCULLOCH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas whether there is any substantive change in the bill as it left the House.

Mr. DOWDY. Not at all. The Senate used different language to express what we expressed in the House bill.

Mr. McCULLOCH. I withdraw my reservation of objection, Mr. Speaker.

Public Law 86-139
86th Congress, H. R. 6436
August 7, 1959

AN ACT

73 STAT. 286.

To amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to, include nematocides, plant regulators, defoliants, and desiccants, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959".

Nematocide,
Plant Regula-
tor, Defoliant,
and Desiccant
Amendment of
1959.

SEC. 2. (A) The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135-135k) is amended so that sections 2a and 2b read as follows:

"a. The term 'economic poison' means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Secretary shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

"b. The term 'device' means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi, nematodes, or such other pests as may be designated by the Secretary, but not including equipment used for the application of economic poisons when sold separately therefrom."

(B) Section 2 of such Act is further amended by redesignating subsections g through u to be subsections l through z respectively; and by adding new subsections g, h, i, j, and k, and amending new subsections p and z, to read respectively as follows:

7 USC 135.

"g. The term 'nematocide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating nematodes.

"h. The term 'plant regulator' means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

"i. The term 'defoliant' means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

"j. The term 'desiccant' means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

"k. The term 'nematode' means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

"p. The term 'active ingredient' means—

"(1) in the case of an economic poison other than a plant regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests;

"(2) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

"(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

"(4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

"z. The term 'misbranded' shall apply—

"(1) to any economic poison or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

"(2) to any economic poison—

"(a) if it is an imitation of or is offered for sale under the name of another economic poison;

"(b) if its labeling bears any reference to registration under this Act;

"(c) if the labeling accompanying it does not contain directions for use which are necessary and if complied with adequate for the protection of the public;

"(d) if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals;

"(e) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase: *Provided*, That the Secretary may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

"(f) if any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or

"(g) if in the case of an insecticide, nematocide, fungicide, or herbicide when used as directed or in accordance with commonly recognized practice it shall be injurious to living man or other vertebrate animals, or vegetation, except weeds, to which it is applied, or to the person applying such economic poison; or

"(h) if in the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such economic poison: *Provided*, That physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations."

SEC. 3. This Act shall take effect on the date of its enactment, except that—

(a) with respect to any nematocide, plant regulator, defoliant, or desiccant which was marketed commercially prior to the date of enactment and whose use does not result in residues of same

remaining in or on a food, and with respect to any nematocide, plant regulator, defoliant, or desiccant whose use does result in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, section 3, "Prohibited Acts"; section 8, "Penalties"; section 9, "Seizures"; and section 10, "Imports", of the Federal Insecticide, Fungicide, and Rodenticide Act, which this Act amends, shall not be applicable until—

7 USC 135a,
135f, 135g.

(1) March 5, 1960, or such later date, not beyond March 5, 1961, as the Secretary of Agriculture may prescribe on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships, or

(2) the date on which a registration for such use is issued under the Federal Insecticide, Fungicide, and Rodenticide Act,

61 Stat. 163.
7 USC 135 note.

whichever date first occurs; and

(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, section 406(a) and clause (2) of section 402(a) of the Federal Food, Drug, and Cosmetic Act as in force prior to the date of the enactment of the Act of July 22, 1954 (68 Stat. 511) (relating to pesticide chemicals on raw agricultural commodities) shall apply until—

52 Stat. 1049,
1046.
21 USC 346,
342.

(1) March 5, 1960, or the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) becomes effective,

68 Stat. 511.

whichever date first occurs.

Approved August 7, 1959.

